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PAMPHLETS.

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*Bund*

Fugitive  
Slave Law

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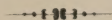
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The slave-catcher caught in  
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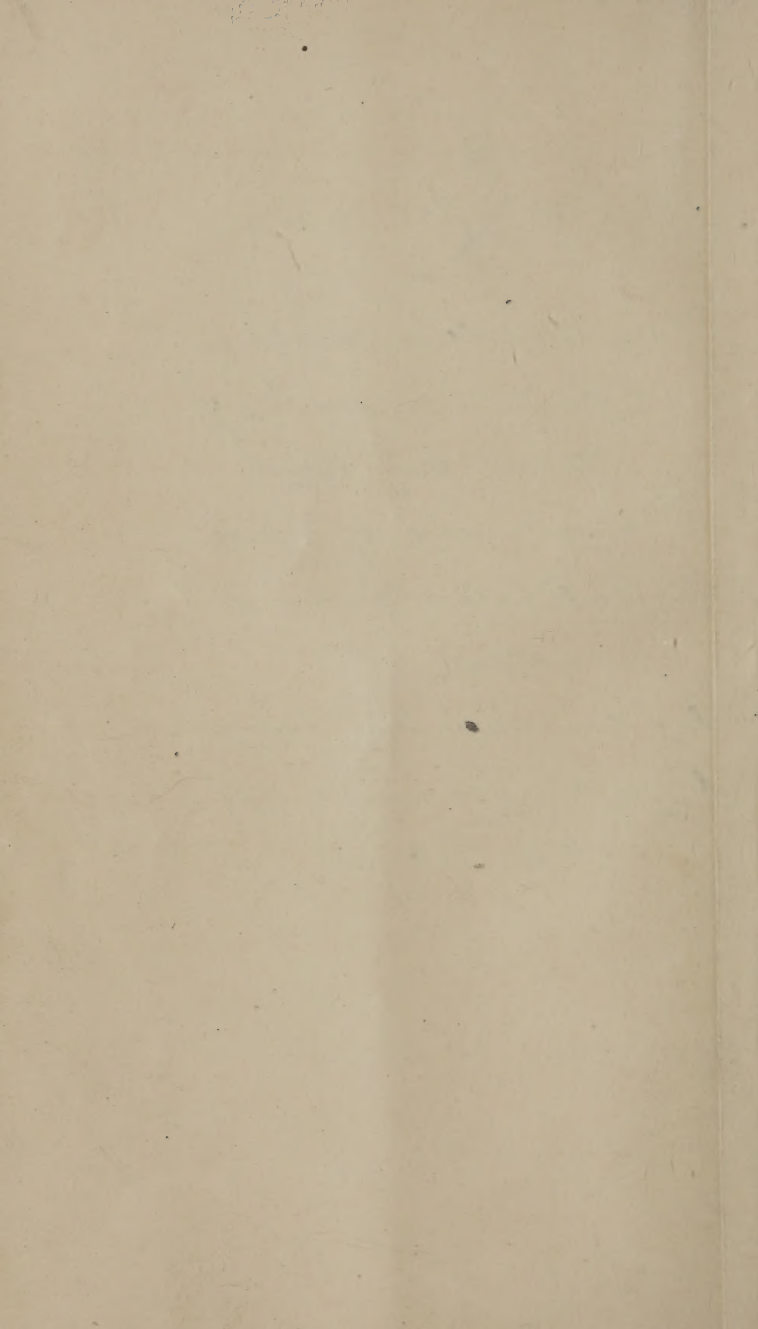
The fugitive slave law and its  
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Fugitive slave bill. Hamlet.

American Slavery. Letter.

Thoughts for the crisis. Jenkins.





# THE SLAVE-CATCHER

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CAUGHT

IN

## THE MESHES OF ETERNAL LAW.

BY ASA RAND;

MINISTER OF THE GOSPEL.

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"Among my people are found wicked men; they lay wait, as he that setteth snares; they set a trap; they catch men."—JER. 5: 26.

The heathen are sunk down in the pit that they made; in the net which they hid, is their own foot taken."—PSALM 9: 15.

CLEVELAND:

STEAM-PRESS OF SMEAD AND COWLES.

1852.

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## INTRODUCTION.

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This Tract contains an inquiry into the relations of the Federal Government to slave-holding, and to slave-catching in the Free States. The writer aims to examine and expose the unconstitutional and atrocious character of "the fugitive slave acts," so called, together with those judicial decisions and interpretations of the Constitution which are adduced in their support.

Are those acts just, and obligatory upon all? Are they to be established as a righteous and "final adjustment" of conflicting opinions and interests, and to be rigorously enforced by all the authority and power of this great nation? Is there a stable basis for the dogmas which are given forth from the legislative hall, the bench, the press, and the pulpit, concerning "compromises, a solemn compact, and constitutional guaranties" of slave-holding? Are citizens of Free States bound, in all good conscience, to sanction and aid oppression? to hunt and surrender fugitives, guilty of no crime? Is it "spurious philanthropy and genuine bigotry,"—is it "hypocrisy and baseness,"—is it "sedition and treason," \*to refuse voluntary obedience to a law which tramples in the dust the inalienable rights of man?

Intelligent and law abiding citizens are accused of a wicked attempt to "triumph over and trample under foot all that is sacred and valuable in a government of law," \*when they calmly and respectfully declare their purpose to obey God rather than man. We inquire, therefore, is the law righteous, and conformable to the Constitution; or is it a praise to evil-doers, and a terror to them that do well? *That* is the issue, to be tried before the people, and by the people of the United States. They will employ their inalienable right, to prove every act of their rulers and judges, "whether it be pure and whether it be right." And they will acknowledge no supreme, final, immutable law, but that of Him whose kingdom ruleth over all.

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\* Quotations from Ex-Senator Dickinson, of New-York.

These acts demand thorough investigation by all classes, not only for the sake of fugitive slaves and the millions in bonds, nor yet for the sake of freedom, and freemen in Free States: but also for the purpose of understanding and exposing the true nature and genius, the character and bearings of this whole system and practice of slaveholding. The provisions of these acts are obviously a fair exponent of the system: and they are thrust before the Free States by the slaveocracy itself, aided by the authority of the general government. We are compelled to inquire and decide. We must either fall down and worship the idol, or renounce it and return to the worship and fear of Jehovah.

This Tract is designed to present the subject in a plain manner to the common mind, divested of technical and legal terms, so that he who runs may read, and every citizen may study his duty in reference to that legal despotism which is sweeping over the whole land.

# THE SLAVE CATCHER CAUGHT

IN THE

MESSES OF ETERNAL LAW.

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## CHAPTER I.

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*Preliminary Remarks. Personal Freedom. Slavery. Righteous Civil Government. Subjection and its Limitations. Freedom in a Free State. Freedom in a Slave State.*

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Our Creator endows every human being in social life with freedom and all personal rights, equally with every other.

Every righteous civil government derives its just powers from the consent of the governed.

In forming a civil government, individuals do not relinquish one of their natural rights; but put them under the protection of the State. The State does not confer rights, or take them away; but pledges protection equally to all the subjects, and punishes only the lawless and injurious.

In civil society, therefore, a freeman has his right to life, to liberty, and to the pursuit of happiness without human dictation or control. All are equal in rights before the laws. Even the vilest malefactors are protected against injustice, cruelty and oppression.

Our national government is based on the moral law, and on those self-evident truths, concerning human rights, which our fathers proclaimed to the world in the day of their peril; truths, which their descendants have fearfully set at nought in the time of their unexampled prosperity.



All political rights and duties are based on moral principle. Rulers and subjects are equally under law to God in their several stations and relations. Even the unanimous consent of a whole people cannot make that right which is morally wrong.

A constitution liberal and just in the main, which contains one provision conflicting with the law of God, is at war with itself. A law to carry into effect such a provision, is constitutional, literally but is doubly unjust.

Whenever a government or nation sacrifices moral principle to "great national interests," it becomes unjust and wicked.

One evil deed can never justify another. The doctrine of precedents, therefore, applied to the unrighteous deeds of a people, is wicked and dangerous; leading them to perpetuate the greatest abuses and wrongs, and "increase unto more ungodliness."

A SLAVE is a human being held by another as property, as a beast, as a *chattel personal*, subject to the absolute command and control of his "owner." He cannot hold property, enjoy the family relations, or learn and do his Maker's will, except as he is permitted by the arbitrary will of his "master."

Slavery, being a compulsory deprivation of all rights, is the greatest wrong one man can possibly inflict on another living man.

Slaveholding is practised either with or without the sanction of civil laws; sustained, in either case, by might alone, contrary to all right.

That government which legalizes the enslaving or re-enslaving of unoffending men, practises the most flagrant *political despotism*. If our national constitution or laws sanction slaveholding in any way, that action corrupts the government and people, and threatens the subversion of our liberties and free institutions. It is therefore the imperious duty of every citizen thoroughly to investigate this subject. "Eternal vigilance is the security of freedom."

*Slaveholding*, or legalized oppression, is, strictly a *local or municipal institution*. No State of this Union can impose it upon another. The States cannot impose it upon the Union, nor the Union upon one or all of the States. Of the States, some are

## IN THE MESHES OF ETERNAL LAW.

slaveholding, and others free. The difference between them should be clearly understood.

In a *Free State*, every human being has personal freedom under its constitution and laws, unless it has been forfeited by personal crime. All are entitled to liberty and protection; natives, immigrants, travelers, men of every color, kindred and condition. Some classes are deprived of the elective franchise; but all have personal freedom. A liberal constitution, faithfully carried out, would forever exclude slaveholding; or abolish the practice where it had existed, as it has done in England, and in seven of the thirteen original states of this confederacy.

In a *Slaveholding State*, one class of the people are free as in the Free States. Another class are held as slaves, as property, as chattels, and are practically deprived of all their natural rights. Yet, strange to say, the constitutions, even of the Slave States, assert in general terms the equality of human rights, and none of them expressly establish Slavery, or even define it. But they limit governmental protection to the favored class, and tolerate the practice of holding slaves. There, public sentiment and judicial courts allow the slaveholder to seize and recapture his escaping slaves wherever he can find them.

In a *Free State*, a colored person, even a fugitive, escaped from the house of bondage, is, by the constitution and laws of that State, as free as its governor or chief justice. He has all his natural rights, is protected by law as a freeman, and one that enslaves or re-enslaves him is accounted a kidnapper, or man-stealer. By escaping he has reclaimed his freedom and rights from the robbers; and no man may hinder his flight, or betray him to his pursuers. If he becomes an idle vagabond, he is liable to be put to labor for his own support.

In a *Slave State*, the child of a female slave is regarded as a chattel, a beast, property. He is deprived of every right, but life and has no legal protection. Escaping, he is deemed guilty of robbing his "owner" unpardonably. Any man may seize and return him, and civil officers are required to do it. One that helps

him to *escape* from slavery is punished as a kidnapper. A fugitive refusing to return and eluding pursuit, may be legally proclaimed an out-law, and shot down like a wild beast.

Now, by every fair principle, slave-catching is to be confined to the jurisdiction of the State which tolerates slave-holding. By the constitution and laws of a Free State, every human being in it is protected as a freeman. Therefore, a slaveholder cannot capture his fugitives in a Free State, *unless the nation re-enslaves them*. Has the nation undertaken this? Shall the sixteen Free States be open hunting ground to man-stealers, and the federal government become the most despotic on earth?

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## CHAPTER II.

*Personal Freedom under the Federal Constitution and National Jurisdiction. No Slaveholding there allowed.*

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The Federal Constitution is based on the moral law; on the doctrine of human rights, equal and universal. It is as free and liberal in its fundamental principles, as is that of Massachusetts, or any other free state.

The preamble thus declares the objects and purposes of the government to be established:—"We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and secure to ourselves and our posterity the blessings of liberty, do ordain and establish this Constitution for the United States of America."

The first ten Articles of the "Amendments," and several others, are explicit safeguards of personal freedom, and of the equal rights of all "the people of the United States." The States then contained a million and a half of "persons" called slaves; but the Constitution has not a syllable that excludes them from the number of the "people" here intended, or from any of the rights here secured to "the people."



These articles and the preamble are tantamount to a "bill of rights," and have all the force of such a bill in the Constitution as fully as if a portion of the Constitution had been so entitled.

The second clause of the sixth article shows the supremacy and extent of the Federal Constitution. This Constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

If there are any articles or clauses, as is pretended, which recognise, sanction and protect slaveholding, they are antagonistic to the design and objects of the Constitution, and subversive of its fundamental principles. They ought, therefore, to be held null and void. They *must* be rejected, or the whole fabric will fall into ruin. A kingdom divided against itself cannot stand.

This constitution, in its free spirit, and explicit language, like the jubilee trumpet, "proclaimed liberty throughout all the land, to all the inhabitants thereof." It would have freed every slave in every State, "anything in the constitution or laws of any State to the contrary notwithstanding," if it had been carried out legitimately as "the supreme law of the land;" if Congress, and the States, and the "judges," and finally the people, had not first indolently suffered the power of the bill of rights to remain inoperative, and then, to cover the iniquity, adopted perverse constructions of the fundamental law.

Other remarks will confirm the position, that every slave in the Union was, by the letter and spirit of the Federal Constitution, as fully entitled to all human rights, as was George Washington, or Thomas Jefferson.

The Constitution was established by all "the people;" for all "the people;" to "establish justice, and secure the blessings of liberty to themselves and their posterity," without exception or distinction of classes or races. If exception or distinction were intended, it must have been made in explicit terms; but it is not in any terms.

The instrument no where employs the words, *slave, slaveholder, owner, master*, or any other, implying that human beings can be held as property, or that such "property" can be secured or recognised by law. Mr. Madison, a slaveholder, said in convention, it would be "wrong to admit in the Constitution the idea that there could be property in man." The convention acted accordingly. Yet statesmen of our day dare affirm in the face of the nation, that "whatever the law declares to be property, is property;" that this is "the only species of property that is protected by the Constitution," and that "two hundred years of legislation has sanctioned and sanctified negro slaves as property." But the first syllable of such a sanction is not found in "the supreme law of the land." It no where sanctions the practice, or gives Congress the power to do it.

But it is said, "the power is *implied*," because there were known slaveholding *interests* at that time, of vast extent, and Congress is bound to protect the interests of all classes in every section. I reply, the government is to protect human *rights, first, and lawful interests, subordinately*; but interests in "the bodies and souls of men," *never, never*. It shall not promote the interests of one class, sustained by injustice, extortion and robbery, by utterly sacrificing all the interests and all the rights of other men.

Ten thousand times have we demanded evidence of the alleged "constitutional guarantees of slavery," the "compromises," the "solemn compact," which are thrust before us every day, and which have bound the consciences of our northern representatives in iron chains. We say, where is the contract? How is it written in the bond? Not a word of pledge has ever been produced. And now we are told of "the *intentions* of the framers, a tacit consent, a silent but general understanding." Oh, folly! Thus it is that the strongest guarantees of human rights are brushed away as a spider's web; while vested wrongs are "graven as with iron pen in the rock forever," and revealed to us by the ghosts of our departed fathers. But we have nothing to do with the unwritten intentions of the convention. We are bound only by what they penned, and "the people" adopt-

ed. The Constitution is not obscure, neither does it "palter in a double sense." *Read it; ponder it.* You will find it does not attempt to "establish justice" or to "secure the blessings of liberty" by perpetuating slavery, an acknowledged curse.

It is also confidently asserted, when occasion requires, that the control of existing slavery was not intrusted with Congress, but was "*left with the States themselves,*" within their respective limits. Again we ask, where is the agreement or compact to that end? Not in the Constitution, or any public record. It is true, that the Constitution of any and every one of the thirteen old states, righteously carried out, would have removed slaveholding from its bounds at once; and the Federal Constitution, applied and enforced, would have removed it from them all. It is also true, that the States *have* taken action independently of Congress; seven to abolish it; and six to perpetuate and secure it, till they defy Congress, the North, and the whole Union. Still, the Federal Constitution, though inoperative as yet for emancipation, retains its primitive liberality. It is "the supreme law of the land," having power "to secure the blessings of liberty" to all "the people." *The power remains;* and when the public mind shall be freed from a monstrous delusion, all will declare, that the supreme law is the death-warrant of slavery. Then will they see the daring presumption of those statesmen, whether of the highest or the lowest rank, who deny to Congress and the courts, power to abolish Slavery where it exists, but say they are solemnly bound to sanction and protect it.

Others, conceding to Congress the constitutional power to abolish slavery, especially in United States territories, claim also for them the power to establish or introduce it in free territory. Ridiculously absurd. A legislature may punish arson, robbery and murder; may they also license and reward them? They may protect churches in the peaceable exercise of their rights; can they therefore establish a State religion and disfranchise dissenters? Now the nation declares the foreign slave-trade to be piracy; can it therefore again approve it as a lawful and honorable business?

We may here remark, in passing, that the bill of rights in the

Federal Constitution has been violated, and the Declaration of Independence trampled on, in many ways, by the national government. Congress have done this, either by a sheer usurpation of power, or by a perversion of powers given for righteous and constitutional purposes. The judicial courts and executive administrations have given the same false constructions to the Constitution, while a majority of the people have acquiesced. "So they wrap it up."

But a fair construction of the Federal Constitution, establishes these three conclusions :

First, *Wherever the national government has exclusive jurisdiction*, slavery cannot legally exist without a palpable violation of the Federal Constitution.

Second, *Within a Free State*, where the State and national governments have concurrent jurisdiction, *both* constitutions secure personal freedom to all the people resident there.

Third, *In a Slave State*, also under concurrent jurisdiction, the State government sustains slavery, and thus sets at nought "the supreme law of the land." The responsibility is assumed by the State; and the Federal *Government*, by its frequent connivance, is partaker in the guilt. Still, the Federal *Constitution* is innocent of the deed.

There are, then, sixteen of the United States, in which *slaves* cannot be *held* under *any* existing constitution or law. We must next inquire, whether they can be constitutionally *caught*, where they cannot be *held*.

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### CHAPTER III.

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#### *Slave-catching. Moral Principles pertaining to the Business.*

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The business of recapturing and returning fugitive slaves, is it lawful and right? Many contend that it can be transacted legally constitutionally, righteously and devoutly. That freemen are under solemn obligation to do so, as occasion requires. This I deny, and shall appeal "to the law and the testimony."



First, however, it may be useful to consider *the moral character* of the act itself.

1.—A slave is a man, a human being. By our national law and the laws of God, he has an equal right to liberty with his enslaver. Every man that has a soul will admit this; and they that have none cannot be reasoned with.

2.—All sober slaveholders admit, that men are made and kept slaves “by might without right.”

3.—Every slave has an inalienable moral right to his freedom, whatever earthly power may wrest it from him. He has, therefore, a perfect right to take his freedom by flight.

4.—He owes his master nothing; no love, or thanks, or obedience, or service; nothing, but to let him live, and repent, and make what poor restitution he can to the injured.

5.—He is under no obligation *to the State* to remain in bondage. He owes no allegiance in any form to the State or nation, which has never protected his rights, but has aided his “master” in robbing and oppressing him.

6.—No human being or civil power can possibly have a moral right to originate, or continue, or renew the enslavement of a man. Our nation punishes the “pirate,” who seizes a man in Africa and makes him a slave in America. It is a *more* atrocious act to thrust into bondage a man, who has braved untold hardships and perils to regain his liberty.

7.—The deed is not less atrocious and damning for being done by authority and according to legal forms.

8.—Men attempt to justify slave-catching on the ground of *necessity*. They say, “It is a hard case, truly, and we pity those who are delivered up, very much; but it is *necessary*, to protect the property of our slaveholding brethren, and preserve our glorious Union.”

“So spake the fiend, and with *necessity*,  
The tyrant’s plea, excused the devilish deed.”

9.—Whoever, at the South or the North, denies to the slave his inalienable right to take his liberty and keep it unmolested, denies his own humanity, and knocks away the platform on which he him-

self stands as a freeman among men. If my brother in bondage has not a God-given right to liberty, then neither have I, nor has the highest potentate in the land.

10.—“Thou shalt not deliver unto his master the servant who is escaped from his master unto thee. He shall dwell with thee, even among you in that place which he shall choose, in one of thy gates where it liketh him best. Thou shalt not oppress him.” *Deut.* 23: 15, 16. Jehovah has settled this matter. Has my country given power to the slave-catcher to return the escaped one to a servitude a thousand times more rigorous and hopeless? “O my soul, come not thou into their secret; into their assembly, mine honor, be not thou united.”

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#### CHAPTER IV.

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##### *Slave-Catching in a Free State, under the Constitution and Laws of the Union.*

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The right to recapture fugitive slaves is said to be conceded by the Constitution; it is sustained by acts of Congress, and by the judicial and executive departments. The provisions on the subject must be briefly stated.

The pretended “Constitutional compact” is found in Article 4th, second section, third clause:—“No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.” On this clause alone are professedly based all the laws and decisions which sanction the practice of catching slaves.

The operative “laws in pursuance of” this clause of the Constitution, are certain judicial decisions, and the two Acts of Congress passed in 1793 and 1850, the latter being additional to the former.

Fugitive slave-laws, or legal slave-catching powers and facilities, are *necessary only in a Free State*; because, where slaveholding

is regarded as legal, no objection is made to the recapture of a fugitive slave by his pursuer. These acts, therefore, are made solely to compel the Free States to aid the slave-catcher. And their injustice and oppression are the more intolerable, because they oblige a people to admit and favor an abomination which they themselves had put away.

The acts of Congress provide courts for the trial of a fugitive. But it is not deemed *necessary* that a pursuer employ any legal process whatever. The Supreme Court has said, that his slave is his *property*, and he *may take* it wherever he can find it in the United States. Many do so, and they violate no law of Congress. Free men of the East, and the North, and the West, do you know that your whole domain is legally made open ground for the mid-night man-stealers, like wolves, stealthily "ravening the prey to shed blood, to destroy souls, to get dishonest gain?"

The act of Congress of 1793, which stands unrepealed, authorized *State* magistrates and officers to act in these fugitive cases. The Supreme Court declared this part of the act unconstitutional, because Congress had not power to invest *State* courts with authority. Yet the same court "entertained no doubt that State magistrates *may*, if they choose, exercise that authority, unless prohibited by State legislation." A very facile method, truly, of furnishing legal helpers for the oppressor. The result is, that some state legislatures forbid such action by their magistrates; some are silent; and others, I believe, require it of them. Thousands of State magistrates would spurn the work with contempt. Others perform it with alacrity, too patriotic to regard the cry of the innocent.

The acts of Congress prescribe also two legal methods of securing escaped slaves, either of which a pursuer may adopt when he cannot steal his victim away slyly, or when he has been baffled in such an attempt by opposition. The most sure and summary method is that prescribed in the tenth section of the act of 1850. He may prove his *ownership* of a slave and the fact of his *escape* before a State court *in his own State*. Then, producing a record of that proof before a judge or commissioner in the State where he

finds the fugitive, and there proving the *identity* of the person arraigned as his slave, he is entitled to a certificate of delivery. The court is obliged to grant it, if it regards the act.

The other prescribed method is this. The claimant may seize and arrest his alleged fugitive, with or without a warrant and marshal; take him before a United States judge or commissioner; prove to his satisfaction the ownership, escape and identity; and receive a certificate, authorizing him to take the man back to bondage without molestation. He must pay moderate fees and expenses, and a special fee of five dollars to the commissioner if he loses his prey, or ten dollars if he gets him.

If he then declares before the court that he fears a rescue, the court will order the marshal to provide a sufficient force, and convey the slave to his owner's residence at the expense of the United States.

Other provisions of the acts of Congress will be named when we come to remark on their unconstitutionality. Other considerations are appropriate here.

This clause of the Constitution, *if it does* authorize slave-catching in a free State, is in itself a public confession that the Federal Constitution is liberal and just in its bill of rights; that slaveholding is sectional and not national; that it is purely a local or municipal institution, necessarily confined to the jurisdiction of the State which gives it legal sanction. If *slave-holding* were in any sense *national*, there would have been no need of this special and exceptional clause in favor of *slave-catching*. For, surely, slaveholding covers slave-capturing. If slaves could be *held* in Ohio or New York under the federal government, a Virginia slaveholder could *reclaim* his fugitive slave in either.

This clause, so interpreted, is also a confession that fugitive *slaves are not criminals*, or fugitives from justice, and cannot be legally pursued and reclaimed as "persons accused of crime." The return of escaped persons of that class is provided for in the next preceding clause. Art. 4, sec. 2, clause 2. Accordingly, runaway slaves are generally claimed as "persons owing service or labor"

Maryland, indeed, has recently enacted, that they shall be deemed criminals, and be claimed under the second clause; thus renouncing their dependence on the third clause, on which have heretofore hung all slave-catching laws and prophets. But Maryland cannot at once incorporate this principle into the civil code of the Union.

Concerning the acts of Congress we may here remark, that they extend this provision to the *Territories*; whereas, the Constitution expressly limits it to *States*. In so far, therefore, the acts are void. Slaves cannot under the Constitution be pursued *into* a *free* territory, whether Congress have organized a government there or not. They cannot be pursued *from* a *slaveholding* territory or the District of Columbia; for slavery cannot be legalized in either, except by act of Congress, and Congress have no constitutional power to sanction it.

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## CHAPTER V.

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### *The Acts of 1793 and 1850, unconstitutional and void.*

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Many eminent lawyers and jurists have declared the acts of 1793 and 1850, especially the latter, to be unconstitutional in several respects. Lysander Spooner, in his "Defense of Fugitive Slaves," has shown this by a learned, logical, unanswerable exposition; as he had before proved "the unconstitutionality of slavery" everywhere in this country, in a work which might enlighten the most eminent of our jurists, if they would but study it. In presenting this part of the subject in a plain familiar way to the common mind, I shall take the liberty to quote in substance his "seven particulars," advising every reader to ponder his full argument in his own work.

1.—The acts *deny* to the alleged fugitive slave *a trial by jury*, that great palladium of liberty in every righteous government; a right which the Federal Constitution expressly secures to every "person" in "all criminal prosecutions," and "in all suits at com-



mon law where the value in controversy shall exceed twenty dollars." Mr. Webster affirms that "the reclaiming of a slave is not a criminal prosecution," and is "not a suit at common law." Mr. Spooner shows, by quoting the Supreme Court itself, that it *is* "a suit at common law." A slaveholder would not come for a slave valued below twenty dollars. The judge, therefore, who "delivers up" a victim without a fair trial by jury, tramples the Constitution in the dust.

2.—Mr. Spooner shows at length that *the Commissioners*, authorized by the act of 1850, *are not constitutional tribunals, or judicial courts*. Horace Mann has also proved it unanswerably.

A commissioner, therefore, says Spooner, "is in law a mere kidnapper, hired and paid by the slave-hunter; and every body has a right to treat him and his decisions accordingly."

3.—The tenth section of the act is unconstitutional, because it requires a federal judge or commissioner to enforce the judgment of a *State Court* on two out of three essential points of testimony, (as we have before noted in chapter 4;) whereas, the Supreme Court evidently decided correctly, when they said Congress could not confer judicial power upon a *State* court. That was a right judgment, although the same *judicial* court assumed *legislative* power, and said State judges might exercise the power of a federal court in certain cases "if they choose." Posterity will be astounded when they read our perversion of constitution, and law, and equity.

4.—The act of 1850 is unconstitutional, in that it *allows the whole proof by the claimant to be made by affidavit alone*; which is wholly an *ex parte* method, and denies to the defendant any opportunity to confront and cross-examine witnesses. Congress has also usurped judicial power in violation of the Constitution, by declaring that a transcript of an affidavit made in Arkansas, produced by a perfect stranger before a commissioner in Vermont, "shall be held and taken to be full and conclusive evidence" of ownership and escape.

Then, the claimant satisfying the commissioner by *affidavit* of

the identity also, the trembling victim must be delivered up without a hearing. If a judge of his own will were to decide a case as this act *requires* him to do, "he would be impeached."

5.—The act provides :—"In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted;" thus giving one man the power of enslaving the other *by his own word alone*, while the court is *forbidden to hear the accused* in his own defence. A most unconstitutional, unjust, tyrannical enactment.

6.—The act is unconstitutional in that it gives a claimant, in addition to these extraordinary aids, the power to force through the sham *trial with precipitation and secresy*. The act requires, when an alleged fugitive is arrested, that he shall be "taken *forthwith* before such court, judge or commissioner, whose *duty* it shall be to hear and determine the case of such claimant *in a summary manner*." A mere tool of despots, called a commissioner, may issue a warrant for the sudden and secret arrest of a freeman, *accused*, no one knows or asks *by whom*, of being a runaway slave. Or the prowler may arrest him on a pretended charge trumped up for the purpose, or *without* warrant or charge. The bribed commissioner may sit in a secret chamber, at the mid-night hour, (well befitting the deed of darkness,) *forthwith* declare himself "satisfied" with the *ex parte* testimony of the claimant, and surrender the innocent victim to his clutches. He *shall* decide *in a summary manner*; he *shall* not *admit* the testimony of the accused. Thus the whole business may be finished, and the poor man be deprived of the aid of witnesses, counsel and friends. Should a court decide an action of debt for a few dollars in this partial and "summary manner," he would be universally execrated. But thus has human liberty, in several instances, been already sacrificed. Does the Constitution of my country allow the Star-Chamber Court? Has my government established by law the papal inquisition?

7.—In violation of an explicit clause of the constitution, Art. 1, Sect. 9, Clause 2, this act *suspends the writ of Habeas Corpus*, by which alone the proceedings of a "court, judge, or commissioner," could be reviewed and revoked. I know that the Attorney General

has assured the President, that this act does *not* suspend the writ. And it does not, perhaps, prevent a resort to this measure during the secret and "summary process" before the commissioner. But when his decision is given, the law makes it final and irreversible by any earthly power. His certificate of condemnation and delivery is made conclusive of the claimant's right to remove the accused to his own State. And the act declares, that the certificate "*shall prevent all molestation of such person (the claimant,) by any process issued by any court, judge, magistrate, or other person, whomsoever.*"

Besides these "seven particulars," in which Mr. Spooner shows by conclusive arguments the acts in question to be unconstitutional, I think there are several others, each of which will condemn them for the same reason.

8.—*Congress is neither required nor empowered to pass any law to secure the return of fugitives escaped from slavery.* They have, therefore, assumed power without a shadow of authority, and their acts are void, the dictum of the Supreme Court to the contrary notwithstanding. There are three considerations to sustain this position. (1.) The Constitution makes no mention, in any manner, of the return of fugitive slaves, or even of their existence; a point to be shown hereafter. (2.) Such power is not named among the powers expressly conferred upon Congress by the constitution; and such laws are not "necessary and proper for carrying into execution" any "other power vested by the Constitution in the government of the United States, or in any department or officer thereof." Art. 1, Sect. 8. (3.) This famous clause, the only pretended constitutional authority on the subject, whether it have any reference to slaves or not, leaves the whole matter *with the States* respectively. The whole of Article 4th, consisting of 4 sections, relates to States and Territories, their rights and obligations, &c. The first, third and fourth sections provide expressly for legislation by Congress, to carry into effect the provisions named in those sections. The second section has *three clauses, all relating to persons going from one State to another.* The first secures to "the citizens of each State all the privil-

eges and immunities of citizens in the several States;" a provision which is violated openly by the laws and authorities of South Carolina, and the sovereign State of Massachusetts seeks redress in vain for herself and her free citizens. Her authorised agent, quietly preparing to appeal to the judicial tribunal, is expelled from the State by the Legislature and people. Yet I know not that legislation on that subject has ever been demanded or expected of Congress. The second clause relates to "a person charged in any State with crime, who shall flee from justice, and be found in another State." He is to "be delivered up, on demand of the Executive Authority of the State from which he fled," that he may have an impartial trial "in the State having jurisdiction of the crime." The third clause is that in question before us, relating to the delivering up of "persons held to service or labor," who have escaped into another State. It leaves the matter wholly to the States and to each individual claimant. It does not lay any charge, or confer any authority, either upon Congress or the Chief Magistrate. It looks to no legislation, state or national. Judge Hoadley, in a *Habeas Corpus* case at Cincinnati, Oct. 1851, had occasion to examine this question. He argued, that these three clauses were thrown together in one section, because, being *simply articles of compact between States*, they naturally associate together;—that they are all separated from the three other sections of the same article, because, although the whole article refers to matters relating to States and Territories, the other three sections expressly refer to *national* duties and *national* legislation, *this second section has no reference to national interference in any way.*

He concludes, therefore, that *it belongs to the States, and not to the Federal Government*, to secure to migrating citizens their equal rights, to return for trial fugitives accused of crime, and also to deliver up fugitives from labor. Judge Hoadley's argument is lucid and convincing, leading to the conclusion that, "in legislating this clause into execution, Congress has exceeded its proper powers." He also represents Chancellor Walworth of New York and Chief

Justice Hornblower of New Jersey as having given the same opinion, and two Judges of the Supreme Court of Ohio as having publicly avowed their concurrence with similar views. Even a distinguished Senator said, "He had always been of the opinion that it was an injunction upon the States themselves." Yet *he* was willing that Congress should *assume* power to make the most stringent law. "To the fullest extent" he would sustain the vested rights of his dear brethren, the oppressors of God's poor. Such are the rulers of this nation. Such are the principles on which they base legislative action.

9.—An actual fugitive from slavery, being in a free state, is a "person," a free man, a citizen, by the constitution of that State and that of his country also. Now the Federal Constitution provides, that "*no person*" in the United States, "*shall be deprived of life, liberty, or property without due process of law*." Amendments, Article 5. That is, a person arraigned must have an open, fair, impartial trial, according to righteous laws and the established principles of jurisprudence in civilized nations.—Again, the same article and the 6th provide, that, "in all criminal prosecutions the accused" shall not "be held to answer unless on a presentment or indictment by a grand jury;" "shall enjoy the right to a speedy and public trial by an impartial jury;"—shall "be informed of the nature and cause of the accusation;"—shall "be confronted with the witnesses against him;"—shall "have compulsory process for obtaining witnesses in his favor;"—and shall "have the assistance of counsel for his defence." Not one of these rights is secured by the acts of Congress to a person accused of being a fugitive from service. A commissioner may fulfil the letter and spirit of the acts, and yet deny them all, as not a few have done. The guiltiest murderer or pirate must have a fair trial; but these solemn guarantees of freedom and righteousness are scouted, when the "liberty" of the innocent fugitive is demanded in sacrifice to our American Moloch.

10.—The infliction of "*cruel and unusual punishments*" is prohibited by the Constitution, Amendments, Art. 8. By the act



of 1850, freeman may be reduced to slavery, who has committed no legal offence whatever; and this is a most "cruel punishment," one "unusual," unparalleled under any honest government. Here several important facts must be noted.

(1.)—Is not the fugitive delivered up to a most horrible punishment? Such a doom is often more dreaded than death. A Southern judge has recently declared on the bench, that slaves convicted of crime, prefer imprisonment for life to their condition on a plantation. Is not freedom dear to man? Is not personal bondage a bitter cup? Ask him who has "no hope" of redemption from it except in the grave. Ask him who has braved the terrors of death and a pursuer's vengeance. Ask Patrick Henry. Ask any man but a slave-catcher, or his official jackall, or his Northern voluntary blood-hound. Ask your own heart.

(2.)—But *the slave has committed no offence* by running away. True, the slaveholder at home deems his offence unpardonable. If he catch him there, he flogs him within an inch of his life. But he dare not bring that charge in a Free State; and when conscience speaks, he himself knows it is false. Escape is no offence by the moral law, nor yet by positive law. Neither by the Federal Constitution and laws; nor even by those of a Slave State. For "where no law is, there is no transgression;" and a Virginia Senator in Congress said; "*I am not aware that there is a single State in which the institution is established by positive law.*" Accordingly, no legal instrument is allowed to call escape a crime; neither the statute, nor the writ, nor the certificate of condemnation and delivery. And we have seen that the return of persons "charged with crime," is quite a different matter by the Constitution, provided for in a separate clause. No, they drag away their victim to the most "cruel and unusual punishment," with a confession on their lips that he has done no evil "They gather themselves together against the soul of *the righteous*, and condemn the *innocent* blood."

(3.)—Thus the destruction of innocent men is accomplished by *a series of legal fictions*, a measure which adds to the flagitiousness

and meanness of the deed. As we have seen, there is a non-descript court, a mock trial, a fearful sentence and punishment, where criminality is neither proved nor charged; and all according to a law for this particular case specially made and provided. The whole is a subtle device, to secure the ruin of a freeman *in fact*, without outraging justice and equity *verbally*. So Mr. Webster could say, it "is not a criminal prosecution," because *in words* it is not. Just as well might he say, it would not be a criminal prosecution, if a man had a trial on an action of debt, and were doomed to the gallows as a murderer.

Now, therefore, what sort of action or trial is it? The same gentleman represents it as *a mere preliminary examination*, to secure the transfer of the fugitive to the state whence he fled, for trial there, where people better understand the condition of slaves, and where the courts are very impartial. He says expressly, "the courts [federal] of the State to which he has fled are not to decide that, in fact, or in law, he does owe service to any body." What then? Oh, only that he is a man, of whom somebody says, he owes service to somebody; and that "he is only to be remitted for remitted for an inquiry into his rights" in the Slave State.\* Another United States Senator† "mightily convinced" the people of Chicago that a jury trial in a Free State is of no sort of consequence, since "the highest judicial tribunals in the land have always held that a jury trial must take place in the State under whose jurisdiction the question arose, and whose laws were alleged to have been violated."—Now it is hard to say which is greater, the wickedness of these assertions or their impudence. Did these distinguished men and Presidential aspirants really think they could so impose on intelligent freemen? What are the facts? Neither of the acts of Congress requires a re-hearing, or so much as hints at one. The certificate of delivery does not refer to such a trial, but "shall prevent all molestation" of the claimant in taking his victim

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\* To citizens of Newburyport.

† Mr. Douglas.

back to his domicile. No, when delivered up, he is a doomed man and no earthly power can save him without the tyrant's consent. The certificate of a commissioner is like the laws of the Medes and Persians, "which altereth not,"—"a finality." To promise the condemned man a jury trial in a Slave State, is a cruel mockery of helpless misery; as well promise to a condemned malefactor a review of his case, or an executive pardon, after he is hanged. This is another of the legal fictions, by which innocent men are doomed as criminals, and the plain language of the Constitution evaded.

11.—The act of 1850 blots out the 8th article of Amendments to the Constitution, by its inflictions upon our own native white citizens. "Excessive bail shall not be required, *nor excessive fines imposed*, nor cruel and unusual punishments inflicted." The act provides, that a District Court, by indictment and conviction, may lay a fine of \$1,000, and six months imprisonment, on one who shall "knowingly and willingly obstruct, hinder or prevent a claimant from arresting a fugitive, either with or without process;" or who shall "rescue, or attempt to rescue, such fugitive from the custody of the claimant, when arrested;" or who shall "aid, abet, or assist such person [fugitive] to escape from such claimant;"—or who "shall harbor or conceal such fugitive, so as to prevent his discovery and arrest." "For either of said offences," such, freeman, is your doom. And if the claimant lose his prey through your aid, you shall "forfeit and pay, by way of civil damages, to the party injured by such illegal conduct, the sum of \$1,000 for each fugitive so lost." No express fine is imposed by the act on one who refuses to obey the officers, when they "call to their aid the bystanders, or *posse comitatus*", but it "commands all good citizens to aid and assist in the prompt and efficient execution of the law," under the pains and penalties due to such refusal in other cases.

Can human authority make an act of common humanity a crime? Even if one of these acts is "illegal conduct," is it not threatened with an "excessive fine," an "unusual punishment?" Shall gov-

ernment imprison you or me for doing an act, neglect of which would shut us out of heaven at the last day?

It would seem also that a *marshal* is liable to an "excessive fine," or "cruel and unusual punishment;"—\$1,000 to a claimant for "refusing to receive a warrant or other process when tendered, or neglecting to use all proper means diligently to execute the same;" and "the full value of a fugitive" that may "escape whilst at any time in his custody, whether with or without the assent of such marshal."—I would not object to this punishment for *the sake* of marshals alone. If men will ignobly assume an obligation to do barbarous deeds, they may bear the penalty for neglecting them. I am, however, unwilling that my country should require of its officers deeds at which humanity shudders. Besides, Congress would punish an officer for an act that is done "without his assent." On what principle is this legislation? Why, truly, on the principle that the alleged fugitive is to be kept in custody at every expense and every hazard. Therefore the agent of the government is threatened severely, to compel him to sleepless vigilance and the employment of abundant force. It is a tyrannical measure; and the *instruments* of a tyrant's will not unfrequently experience the rigor of his arbitrary dominion.

12. I name one more violation of the Constitution. Amendments, Art. 4: "The right of the people to be secure in their persons, houses, papers and effects, against *unreasonable searches and seizures*, shall not be violated;"—and search warrants are not to be used or granted without a vigilant regard to liberty and personal rights. A stranger *from the South*, however, may "seize" whom he will, "with or without a warrant," by day or by night, openly or stealthily, the United States' authority and power sustaining the deed. I will not stay to *prove* that such a "seizure" is "unreasonable." I only ask "the people" of every free state to bear in mind that they, their neighbors, and wives, and children, are *by law* liable every night to such "searches and seizures"; and they are required

to submit, in order to sustain the vested "rights" of slaveholders. Will ye do it?

We call the act of 1850 unconstitutional; yet who has begun to consider *how many essential principles of freedom and righteousness it sets at nought?* But "if the foundations be destroyed, what can the righteous do?"

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## CHAPTER VI.

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*The prevailing construction of the Constitution a false one. No National "guarantee" for the return of fugitive slaves. No "Fugitive Slave Act" in the United States.*

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Thus far I have written *on the assumption* that the Constitution does require that slaves, escaping into Free States, shall be delivered up; and have proved, even if it be so, that the acts of Congress violate the Constitution in many ways. That construction has been generally admitted both North and South; but is not sustained by common sense, or by the established rules of interpretation. On the contrary, I claim that the famous *clause of the Constitution has no reference whatever to escaping slaves*;—that all the established *rules of interpretation require us to restrict the meaning* to hired laborers, clerks, apprentices, minor children of freemen—whatever *persons are free*, yet are "held to service or labor;" and that *all legislation or action based on the prevailing interpretation is without the shadow of support* from the fundamental law. Reasons for these positions follow.

1. *No language is employed which constitutes a legal description of a slave.* Not a single word which pertains distinctively to the condition, or relation, or disabilities of personal compulsory servitude; such as, *slave, slaveholder, owner, property in man, belonging to a master, &c.* The terms are simply these: "person held to service or labor under the laws" of a "State."



2. *The members of the Convention well knew what terms to use, technical, legal, or conventional, to express their meaning explicitly on every subject. But they employed none pledging the States to deliver up fugitive slaves, or to restore that "species of property."*

3. *It became them to be very explicit, if they intended to secure a privilege so abhorrent to humanity, so diametrically opposed to the bill of rights and the Declaration of Independence.*

4. *Indeed, statutes, legal instruments, and above all the fundamental law ought ever to be written, as this Constitution is, in the most unequivocal language possible. It is also held by all, that such instruments are to be understood according to the known, acknowledged, well-established use of terms;—that if any clause admits of two constructions, that construction must be taken which is most favorable to freedom, justice and equity;—that that construction is to be utterly rejected which is evidently against natural justice and humanity, or which subverts the Constitution itself in any fundamental principle or leading object.—Tried by such rules, the clause in question utters not a syllable respecting slaves.*

5. The debates in Convention sometimes related to such a claim as slaveholders now set up; but history shows that *the members generally shrunk from any recognition* thereof in the Constitution, and that the chattel principle was nowhere asserted, implied, recognized, or alluded to in that instrument.

6. The terms "persons held to service or labor," as Spooner clearly shows, *include other persons and classes*, if they include slaves at all, and therefore they *do not distinguish or designate slaves*; and, as a matter of fact and of law, human beings are claimed and held, in a Slave State, not as servants, but as chattels or property. The pretended title can be no other under the Federal Government; but this clause does not assert or imply such title.

7. The word "person" is employed in the Constitution; and that *is never applied to a thing*, a chattel, an animal, or a slave as such; but only to a human being, or other intelligence. In figurative language we personify even inanimate things, and apply the

personal pronouns to the sun and moon, and to animals. But in legal and common language, a "person" is a human being. In this clause, therefore, it can refer only to one of "the people," by and for whom the Constitution was made, to secure to them the "blessings of liberty;" one from whom, however, in some lawful way "service or labor is due." Thank God, our national law does not so much as imply, that the chattel principle can ever be recognized in our national legislation or jurisprudence.

8. This liberal and just meaning of the word person is justified by the fact that *such is its meaning and use in every other part of the Constitution*. Everywhere else it evidently refers to the free, to men, to "the people of the United States." In this clause, therefore, it cannot be understood to designate a chattel.

9. Even the act of 1850, spoken of universally as the "Fugitive Slave Act," *makes no mention of a slaveholder, a slave-owner, or the property he has lost;—no mention of a slave that has escaped*. Throughout the act, the pursuer is denominated a *claimant*, or a *person to whom service or labor is due*. The other party is called a *person owing service or labor, a fugitive from service or labor, a fugitive*, or merely, a *person, a fugitive, and a fugitive person*. The word person is applied as freely to the defendant in the suit as to the claimant, and to the marshals and their assistants. There are but two phrases in both the acts of Congress, which can possibly be understood as designating slaveholder or slave. In *the titles* of both the acts, we find, "persons escaping from the service of their *masters*." But the word masters applies to many who are not slaveholders; and does not designate a slave-owner. By the additional act, one who aids a fugitive to escape from his claimant shall pay, "by way of civil damages to the party injured, \$1,000 for each fugitive so lost, to be recovered by an action of debt." Here is a squinting at a loss of property. This must, however, have been an oversight; for, after all, the man has lost only a "fugitive person," whom the law does not say or imply he ever owned as a chattel.

Again, I remark, it is in vain to plead that Congress, in framing the law, *meant* slaves and slave-owners. They have not *said* it; and their language must not be tortured to make out a meaning they dare not express. I say, "dare not;" for it would be too glaringly inconsistent and absurd, to pervert the language of the Constitution in the acts pretended to be passed "in pursuance thereof." The language of these acts, and of all the legal instruments it provides for, is in harmony with that of the Constitution; and the fire of slave-catching has no where singed the hair of its head.

We come, then, to these four conclusions:

(1.) There is, in the Federal Constitution, *no provision* that either requires or authorizes *the forcible return to bondage of fugitive slaves*.

(2.) There is *not in being in the United States, a "Fugitive Slave Act,"* providing for the recapture of slaves. I do not say, with some, that an unjust, unconstitutional act is not law; or that slaveholding and slavehunting cannot be legalized; for the throne of iniquity "frameth mischief by a law." But I do insist that these acts do not, *even in their TERMS*, relate in any way to the catching of fugitive slaves. And we have no act that does so relate.

(3.) The fugitive slave law, so called, being unconstitutional, "the delivery of persons into slavery under color of them," says Mr. Spooner, "is a crime," and the State magistrates, on application to them, are bound to place the officers of the United States under bonds to keep the peace in this particular."

(4.) The only right and safe course on the whole subject, is, *to redeem our courts, and statutes, and Constitution from unparalleled perversions and abuses*. This work the people must do, demanding the faithful concurrence of such as may be set in authority. To effect it, the people must open their eyes on astounding facts and fundamental poinciples; facts, to which we have become indifferent by long familiarity;—principles that are seldom thought of, because

like the vital air and the blessed sunlight, they are all about us and ever with us.

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## CHAPTER VII.

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*Unparalleled Atrocities. General Remarks. Modes of Resistance and Relief. Appeal to the Friends of Liberty and of Man.*

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In the summer of 1851, an intelligent nobleman in the heart of Russia taunted a clergyman from the United States on the atrocious character of our fugitive slave act, saying, "You can find nothing in the legal code of Russia, nor in the decrees of her Emperors, equal to that barbarous law." And truly, how can an American citizen lift up his head among the despots of Europe? For what nation ever legalized robbery, man-stealing and murder? What nation ever appointed official agents to do the deeds of rapine for reward, and doomed them to cruel punishments for sparing the innocent? What government ever demanded that "all good citizens" become lawless banditti and midnight marauders, denouncing those as traitors to their country who refused to enlist?

Consider, for a moment, some of the atrocities which this act allows, a few of the enormities of wickedness it solemnly requires the authorities and people to commit. (1.) *It subjects the actual fugitive from bondage to the power of the most infamous man-stealer, soul-driver, or perjured person, who may seize him by stratagem or violence, and have him back to hopeless bondage.* (2.) *It grants to the man-stealer in this pursuit, the aid of this whole nation; the aid of our statutes, our courts, our treasury, together with the executive, naval and military power of this mighty nation. And the National Legislature demands that "all good citizens" shall say amen.* (3.) *It offers to slaveholders, facilities, helps, inducements, and therefore strong temptations, to pursue those whom otherwise they might have suffered to go free.* (4.) *It renders every man*



woman and child in a Free State, black or white, liable to be kidnapped and dragged into bondage. The act knows no color or condition. It puts it in the power of any stranger, a villain, to swear that any person whom he chooses was and is his slave, and a commissioner must be satisfied and deliver him up in a summary manner. Say not, "this will never be done." *It has been done*, gentle reader, and while you sleep, your son and daughter may be doomed to hopeless bondage according to law. Let every freeman be cautious about traveling where he is personally unknown. The time has come when we must all carry certificates of freedom in our pockets, and take heed lest they be stolen from us. *Now* let me "remember them that are in bonds as bound with them," since the rulers of mine own nation put me and mine in the power of the same destroyer.

Is it possible that such an act is framed and executed in this free republic, in the middle of the nineteenth century? What motive can have induced the legislature and the judicial courts so palpably to pervert the bill of rights, trample on human freedom, and outrage the moral sensibilities of the nation? The only answer is, *the Slaveocracy demands the sacrifice*. Their unrighteous domination and precious interests must be sustained, though the Union and the heavens fall. The whole system or practice is sustained, every where, by arbitrary might alone, at the sacrifice of every right. The despotism of the South demands that their sectional, tyrannical institution be *nationalized*; the servile North submits to the demand, bows down the neck, and begs that the peace of the Union may not be disturbed. This catching and enslaving of men by national authority and power, is a feature of slaveholding in entire harmony with every other feature of that abominable practice. The only difference is, that in this case the Slaveocracy have *inveigled and bullied the nation into entire asinine subserviency to their arbitrary demands*.

In the operation, therefore, of this national law, *behold the essential injustice of slaveholding*. Behold, also, the tyranny of a go-



vernment, purporting to be the most liberal and just under heaven. What legislature would dare put the debtor so entirely in the power of an offended creditor, with or without process of law? What community would endure a law which gave such facilities for the capture and punishment of one, *suspected by somebody* of being a thief? What judge could escape impeachment and ejection from office, who should deal thus summarily, partially and cruelly, even with the vilest malefactor? The fact is, even-handed justice needs no arbitrary power, asks no severe enactments, and can afford to guilt itself the free use of all the safeguards of freedom and right. Tyranny alone sets up arbitrary self-will for law, investigates in darkness, and decrees without regard to moral right. When, therefore, the Congress of the United States makes, and the courts execute a law of unparalleled severity, throwing out of the pale of humanity men whom they dare not declare to be criminal, they confess to unmasked despotism by those very deeds. And if men in power think they can innocently and safely commit such deeds, let them know that a free, intelligent, conscientious *people* cannot thus abjure every principle of freedom, equity and righteous government.

Therefore, while the acting government, in all its departments, has become the most despotic aggressor, and the people as a body sustain the government, it becomes every individual living soul to inquire whether *he* is or can be clear in this matter. What have *I* done to plunge my nation into this guilt and infamy? What have *I* failed to do that might have saved her from the gulf? What shall *I* now do for her salvation?

I. Consider, therefore, *what the public exigencies require of private citizens*.—I will judge no man's conscience. I will but answer for myself alone, and humbly ask the reader what good reason he can discover for taking any different course.

1. *I will render no voluntary obedience to these enactments in a single iota*. I cannot become a man-stealer, an oppressor, an inhuman tyrant over my equal fellow man. I will not make myself the slaveholder's bloodhound, or humble tool. I will not be a partaker

in my country's crimes, though she commands and threatens, and charges me with treason for obeying God rather than man.

2. I will, as occasion may arise, *transgress the law, and abide the consequences*. I will feed the hungry, and clothe the naked, and deliver the souls that are drawn unto death. I will "hide the outcast, and bewray not him that wandereth." The "outcasts shall dwell with" me; I will "be a covert to them from the face of the spoiler." By every peaceful effort, I will even "resist the power" which has become "a terror to good works," and *not* "to the evil." This is not a new and heretical doctrine. Albert Barnes says of the early Christians: "There were cases where it was right to *resist* the laws. This the Christian religion clearly taught; and, in cases like these, it was indispensable for Christians to take a stand. When the laws interfered with the rights of conscience, when they commanded the worship of idols or *any moral wrong*, then it was their duty to refuse submission. It could not be, and never was a question, whether they should obey a magistrate when he commanded any thing that was plainly contrary to the law of God."—Even the Slave State of Maryland has declared in its fundamental law: "The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind." I "refuse submission" to this iniquitous law, in whole and in every part. Its entire design and object are "plainly contrary to the law of God."

3. I will *bear a public testimony*, remonstrate, agitate, and put forth my efforts, till the obnoxious law shall be repealed, and the nation freed from the accursed system of oppression.—I know they bid me be silent. "The vexatious question is settled; the compromise is established; the periled Union is saved; the law shall stand unchanged, unless it be found too weak; the great parties have decreed a finality; and he is a traitor to his country who shall renew agitation, however, wherever, whenever it is done."—I hear the decree, but I cannot regard it. For many reasons, I cannot hold my peace. When a plain right is denied me, I will exercise it the of-

tener and defend it the louder. When I am bidden to neglect my duty to God and man, I will be all the more prompt to discharge it. And can I forbear to "open my mouth for the dumb, and plead for him that hath no helper?" No,

"I cannot rest,  
A silent witness of the headlong rage,  
Or heartless folly, by which thousands die,  
Bone of my bone, and kindred souls to mine."

Nor can I be reckless of my own freedom, or that of my neighbors and my children, without forfeiting and periling the possession of the most precious earthly heritage. And finally, *an alternative is before me*. I must protest and toil against my country's doings, or I become *a personal partaker* in her foul oppressions. The act is passed and rigorously executed *in my name*, as one of the people. *My* hand, therefore, crushes my oppressed brother, and I "consent to the counsel and deed" of the immediate actors, unless I *speak* and my voice be *heard*; unless I *act* and my action be *felt*. Therefore, I will not cease to inculcate, in all my relations with men, the principles of national righteousness, now so fearfully abandoned. A slave-catcher can never have my aid, or an advocate of slavery my Christian fellowship, or a servile aspirant for office my vote. The Lord do so to me, and more also, if I thrust my hunted brother from my door, or lift a finger to help the pursuer, or sanction by word or deed, this infamous enactment. Let the united voice of the free-men of the North utter this sacred pledge, and the Bastile of oppression will soon fall to rise no more.

II. *How can this nation retrieve the errors of the past in this matter, and cease from national oppression and injustice?* By what methods may the people and the constituted authorities relieve the country of the supposed necessity of sustaining slavery and returning the fugitives? This is the all-engrossing political question of the day, and will be till the work is done, with the people of the North, both from the nature of the case, and from the manifest determination of the slaveocracy to subjugate the whole Union to

its arbitrary will. From the evidently just principles we have stated, it is easy to deduce righteous, peaceful, constitutional methods of relief; and they are various.

1. We have seen that slaveholding is practised in the Slave States in violation of the Federal Constitution; which, in its bill of rights, liberated all the slaves then being in the thirteen states, but was not suffered to take effect. Let the Constitution, then, be faithfully interpreted and applied, and there will be no slaves left in the Southern States, or reclaimed from the Northern.

2. But if they still insist that the subject was left with the several States, *then leave it with them entirely and forever, and withdraw from slavery the national shield of sanction and support, in every possible way.* If we, the people of the nation, have not the power to abolish it, we are under no shadow of an obligation to cherish it.

3. Let the famous clause of the Constitution be acknowledged to have no reference to escaping slaves, and the obnoxious acts of Congress be repealed, as essentially iniquitous and unconstitutional.

4. If it be still maintained that the clause of the Constitution requires the return of slaves, then either demand that it be stricken out by a regular amendment, or that it be declared by the people and the courts to be a dead letter, null and void. We must come to this issue, if need be. A part of a constitution which stands in direct and palpable opposition to its fundamental principles, to its bill of rights, to its very objects and aims, must be regarded as a nullity. If it be carried into effect, the Constitution is subverted, the free government falls, regulated freedom dies.

5. Tremendous responsibility rests in these times upon judges of federal courts, commissioners, and officers of the law. They can accomplish much for freedom and righteousness, even while the acts remain on the statute book. I am fully satisfied that they ought to take a decided stand; that even their oath to support the Constitution solemnly demands it. Nay, I believe every worthy judge in a Free State would do so if he were not "learned in the



law" of misty precedents, pro slavery constructions, and traditional compromises with sin and Satan.

Were I in office as United States judge or commissioner, when such enactments were spread on the statute book, I should elect one of three courses of action. (1.) One would be to resign my office, assign my reason to the President, and publish it, and let the office go begging till a fit tool of tyranny could be found to execute the laws in their letter and spirit. Or, (2.) I would retain office, and refuse to grant or receive a warrant on the ground that the acts on which the claimant demands a trial are unconstitutional and without force. Or, (3.) I might even hear a case, and determine it according to law and equity, and the Constitution also. "With or without warrant," a claimant brings a person before me, whom he demands as one "held to service or labor under the laws" of another state. I require him to put his demand in appropriate terms. He shall say whether he means slaves when he says "persons held to service;" for I will have no sham suit, no double-dealing, no misnomer. If he says, "Yes, I demand him as a slave," I dismiss him and his suit instantly, with a salutary warning against kidnapping; for there is no law requiring the return of a slave; no statute or warrant so much as mentions a slave. If he says, "I claim not a slave, but a "person held to service," then I shall not hear any proof of his having owned a slave and lost a slave, for it would be altogether irrelevant to the case in court. And one is perfectly amazed to hear claimants and their witnesses and counsel talking of the slave that was owned, the slave that escaped, and the slave that is now identified before the court; also to hear a grave judge or commissioner listening to it, and weighing the evidence of ownership in the body and soul of a human being. It were ineffably ludicrous, if it were not a case of life and death with the helpless defendant. No, I would hear only testimony to show that the "person owes service or labor under the laws" of a Slave State, according to the very terms of the statute and the Constitution. But the claimant cannot produce laws of his state holding the defendant to



service or labor due to him. He cannot prove a claim upon the person as a freeman, legally bound to service. He will not attempt it, and I must dismiss the suit. Besides, if I heard a case, I would summon a jury, and give the accused all the advantages of a regular trial, a "due process of law." A judge who would thus magnify his office, would never be obliged to put the shackles on his fellow man. I believe he might occupy the bench a century and not be impeached.

Were courts and officers true to their country and the law of God, fugitives would be as secure in our Free States as in Canada; and slave-hunters would no more show their brazen faces among us.

III. It may be well to inquire here, what prohibitions or obligations the Federal Constitution lays upon the States, as such, in this matter. Evidently, the only prohibition is, that a State shall not make any "law or regulation," "in consequence of" which, a fugitive might "be discharged from such service or labor" as is "due" from him in another State. Of course, special laws for these specific cases must be meant, and not the bill of rights, and those laws which guard liberty and the rights of men. These the States are sacredly bound to preserve inviolate, and to see that they are effectually extended to every human being that comes under their shadow. The "person held to service or labor," not a slave, "shall be delivered up on claim, &c." The State must not hinder the delivery; but she is left to her own discretion, whether she will take an active part in that act. Even if she were bound to suffer a *slave* to be reclaimed, which can never be conceded, the Constitution prescribes no specific action for her, or her people, or her constituted agents.

IV. Even if it could be conceded that the Constitution does refer to slaves, still the present statutes should be everywhere rejected as unconstitutional, for many of the causes assigned; and the three following points should ever be kept in view; viz: at the very worst, we insist that there must be a real fugitive, a literal escape,

and a present claimant, or nothing can be done. Look at these points separately.

1. *A real fugitive.* The fugitive demanded must have escaped in person. He or she must have been held to service or labor. The children of fugitive mothers, born in a Free State where their mothers have long resided, have been claimed, and surrendered, and enslaved. They never were "held to service or labor," in slavery; and even the act of Congress cannot be understood to include them. The judges who have surrendered such persons, have manifested a servility entirely gratuitous.

2. *A literal escape*, not constructive. "Escaping into another State." It is an act of the slave without the consent and against the will of the pretended owner. Formerly it was deemed sufficient if a slave were found in a Free State. No one inquired how he came there, nor was he allowed to say how. He must go back like a stray horse, or rather like a convict escaped from the penitentiary. At length some courts have had some return of common sense; and have decided that if an owner bring his slave into a Free State, or send him on business, or consent to his coming, then his claim is forfeited. If his man choose to stay here, there is no law to compel his return. Such a decision is evidently just, and ought to be every where understood and regarded.

3. *A present claimant.* All the crushing machinery of the law, which we have noticed, is entirely *without motion or power till the claimant comes* in person or by authorised attorney, and sets it in motion. "Shall be delivered up *on claim of the person* to whom such service or labor may be due." So run also the acts of 1793 and 1850. They authorize no one to "pursue and reclaim such fugitive persons," except "the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal office or court, &c." Clearly, therefore, a fugitive cannot legally be molested by any other person. A hundred slaves may come from Kentucky and dwell

among us in Ohio. The whole community may *know* that they are escaped slaves, and may "knowingly harbor and conceal" them; we may openly regard them as freemen, and help them on to Canada, or let them dwell for years among us, as free as ourselves. So doing, we commit no offence, even against this diabolical law. There is no power, state or national, which can touch one of them *until the claimant comes with his demand*. Till then it is not known to judges, or marshals, or citizens, that they will *ever* be demanded. They are not to *expect* such an invasion of human rights. They are bound rather to believe, that the disappointed Pharaohs will let the people go.

I am not aware that any writer has presented this point for consideration. I think, however, every fair mind will acknowledge its pertinence and force.

Now if this be so, persons concerned in various past transactions are more deeply involved in guilt than they are aware of. For instance, the mercenary wretches in Free States, who not only betray fugitives to actual pursuers, but notify them in the distant South and set them on the track; the officious traitors to humanity in Illinois, who imprisoned a company without authority, and sent a notice to their "owner;" the lawyer in New York City, who used to advertise in southern papers for clients, who would employ him to hunt their runaways; the sheriff in the same city, who kept for months a long list of names with descriptions, and prowled about among the colored people, searching for resemblances; and, last not least, the United States judge, who laid a heavy fine on a "good citizen" of Pennsylvania for the *constructive* concealment of a fugitive—for hiring and feeding him *before* he was claimed. It is not strange, I concede, that men should riot in wickedness *beyond* the law, when the law itself abjures all righteous law. But neither party can cover the heaven-daring iniquities of the other.

The Free States are false to themselves and to humanity, while they do not inflict exemplary punishment for deeds so atrocious within their several jurisdictions. Would this bring them into

collision with the slaveocracy, and even with the general government? Better contend with man, than with Him that "shall break in pieces the oppressor." But the north and the south *are* in collision *now*, and *will be*, so far and so long as the former maintains any stand for freedom and righteousness, and the latter claims that the nation is obliged to sustain oppression and injustice. Let the conflict continue. True men need not fear, contending for the truth. Free States need not fear, having the Federal Constitution itself on their part, and the law of God as their unerring guide.

We do not deny to our southern fellow-citizens a single natural right; not one of all that we claim for ourselves. We only insist that regulated freedom does not include the liberty of oppressing others; that we are under no obligation to aid them in such a deed; that they exercise high-handed oppression upon *us*, when they demand our aid or connivance in the matter; that no existing compact, no righteous constitution that can be formed, can impose the least obligation on the nation to sustain slave-holding or slave-catching. We do not ask them to release us from their bonds. We assert our right and liberty to disobey and resist them. We will also faithfully warn them to do their part in redeeming our common country from guilt and infamy. Let them no more hunt fugitives in a Christian land; but with alacrity and delight, "break every yoke, and let the oppressed go free."

Alas, how long is this salvation delayed. Our second year of jubilee is drawing near, and the freedom trumpet is not heard. Despair settles down on increasing millions in bonds. Slave-holders are yet more mad upon their idols, and have subjected the nation to their will. The wretched fugitive makes his way to the region of *freedom*, and behold it is all an open hunting ground for his bloody mouthed pursuers. This great nation builds him no city of refuge. A glorious free state can afford him no asylum. The church bids him not flee to the horns of her altar. Some Quaker rebel may give him a shelter for a night; but the pursuer and the almighty law seize him in the morning. His last coal is quenched;

his last faint hope has expired. He sinks to the earth, exclaiming, *‘I looked on my right hand and beheld, but there was no man that would know me; refuge failed me; no man cared for my soul.’ O give me a place in the grave, “where the wicked cease from troubling, and the weary are at rest.”*

That man is my neighbor, my brother, a soul for whom Christ my Savior, died. Do I pass by on the other side, when I see him fallen among men-stealers? Do I fail to do all that I can, to “rid him out of the hand of the wicked?” Do I “*forbear* to deliver them that are drawn unto death, and those that are ready to be slain?” “What then shall I do when God riseth up; and when he visiteth what shall I answer him?” when he shall say, “Inasmuch as ye did it *not* to one of the least of these, my brethren, ye did it *not* to me.”

O who shall “find mercy of the Lord in that day?”

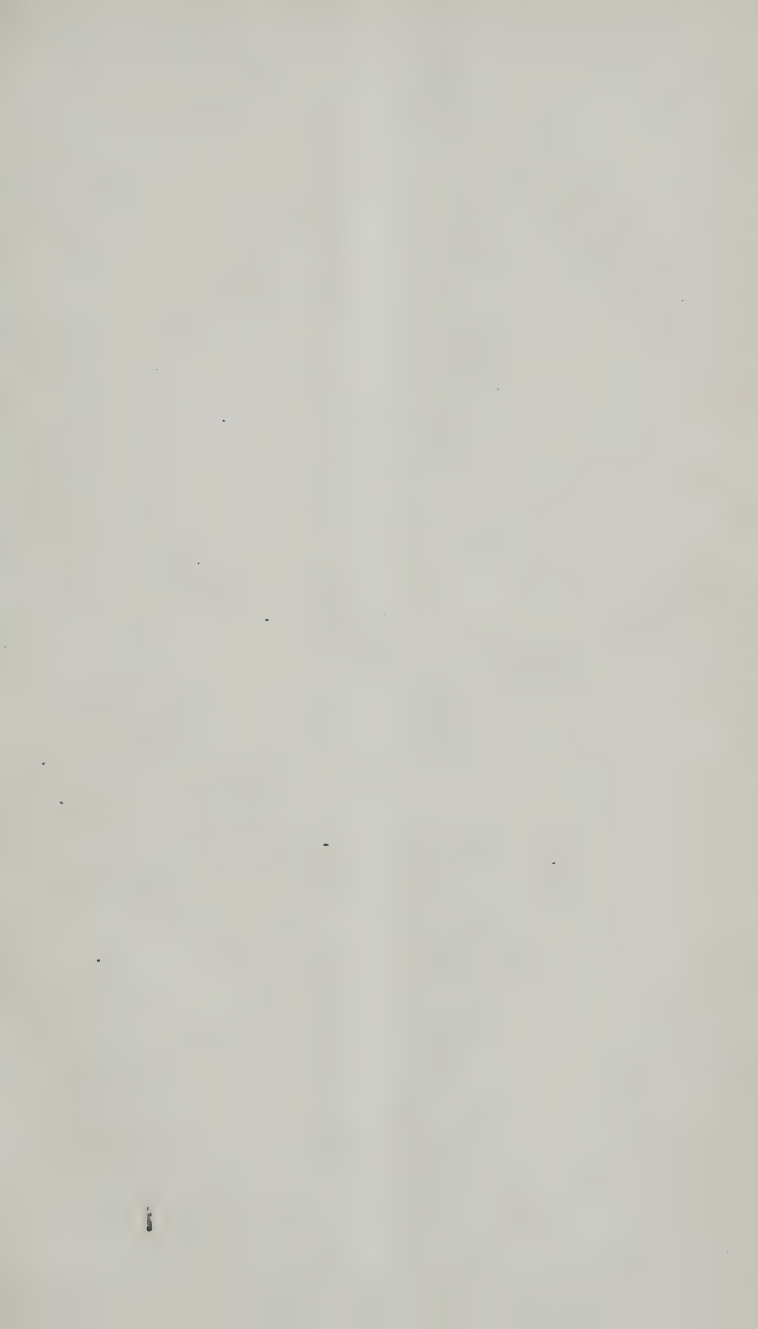


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1772

THE

## DEFENSIVE LEAGUE OF FREEDOM.

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IN proposing to form a league for the protection and defence of persons claimed as fugitive slaves, and of persons accused of violating the Fugitive Slave Act of 1850, it is proper to state distinctly what is proposed to be done, and the necessity which exists for some such organization. While the whole resources of the general government are at the service of the Slave Power, — while the slaveholder has the use of United States marshals, commissioners and soldiers, of the State militia, of revenue cutters, and of the treasury of the United States to pay the expense of these agencies, — the colored man, claimed as a fugitive, must provide for his protection as he best can. Commonly poor, ignorant of the law, unexpectedly arrested and with only a day or two to prepare his defence, he must depend upon the accidental aid,

and voluntary unremunerated service, of whoever is willing to defend him. In like manner, if, from an impulse of humanity, or a sense of duty, a man receive a fugitive slave into his house, give him food and lodging, and help him on his way, he is liable to be dragged before a United States judge and exposed to heavy expenses in addition to fines which may swallow up the whole of his property. If these were only possible cases, we should not need any new organization ; but they have occurred, and are occurring ; and there is no existing organization which is able to meet the actual present necessity. We, therefore, propose to organize a league, the distinct object of which shall be to secure the fullest legal protection to persons claimed as fugitive slaves, and to persons accused of violating the Fugitive Slave Bill ; and, also, to indemnify such persons against costs, fines, and expenses, whenever they shall seem to deserve indemnification.

The object of this Union, it will be seen, is legal, peaceable, and open. We do not propose to make any forcible resistance to the laws, nor to make a crusade into the slaveholding States for the purpose of freeing the slaves. Our organization will neither censure nor praise those who do these things, but such is not our object. Our distinct purpose is to see that no man is

beaten down by the Slave Power, without an adequate defence; that no man shall be crushed by the immense resources of the United States Government, without help from his fellow-citizens; and that no man is ruined for such simple acts of humanity, as we should feel it our duty to do ourselves under his circumstances. A singularly cruel and stern law is now in operation through the United States, for the support of a tyrannical and evil institution. We do not think it right that men should be ruined for disobeying a law which commands them to do what (as they and we believe) God has forbidden. If we agree with them in their convictions, it is only right that we should take our share of the penalty. We would, moreover, by means of this union, present a broad front of moral resistance to the execution of this law, and so increase the great public opinion of freedom that it shall be impossible to arrest a fugitive in this part of the Union. This league will act, meantime, as a society of mutual protection, and every member shall thereby assume his portion of such penalties as would otherwise fall with crushing weight on a few individuals.

We will now proceed to show that such a Union is needed.

The Fugitive Slave Act, approved Sept. 18, 1850, declares that any person who shall knowingly and wilfully obstruct, hinder, or prevent the arrest of a fugitive from slavery, or shall aid, abet, or assist such person, owing labor or service, to escape from such claimant, or shall harbor or conceal such fugitive, shall be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, besides forfeiting, as civil damages, the sum of one thousand dollars for each fugitive lost. The law also commands all good citizens to aid and assist in arresting such fugitives, to be taken back into slavery.

Under this law and the previous law of 1793, many cases have occurred, from which we select the following as examples.

In 1847, there resided in the town of Marshall, in Michigan, a colored family, consisting of Adam Crosswhite, his wife, and five children. He was sober, industrious, honest, — supporting himself and family by his labor, — his wife a member of the methodist church, and his children attending the schools. Suddenly, one morning, a party of Kentuckians appeared, claiming him and his family as slaves. A crowd assembled, at the news, the Kentuckians drew pistols, and were arrested for breach of the peace. Mean-



while Crosswhite and his family escaped, and went to Canada. A suit was instituted, founded on the law of 1793, and brought in the Circuit Court of the United States, against some of the individuals in the crowd ; and, at a second trial, a verdict was obtained, amounting, with expenses and cost, to six thousand dollars, which three individuals were obliged to pay.

In 1848, a family of thirteen slaves, escaping from Maryland to the North, took refuge in the barn of Daniel Kauffman, of Cumberland County, Pennsylvania. He gave them food and shelter, put them in his wagon, and helped them on their way. For this offence he was prosecuted, and sentenced to pay a fine, amounting, with costs, to two thousand dollars. He appealed to the Supreme Court of the State, and the decision was reversed. Judge Coulter delivered the opinion of the Bench, and in the course of his remarks used the following language : —

“ The true question in this aspect of the case ought to be and is, whether, in the State of Pennsylvania, a citizen who gives a cup of water and a morsel of bread to famishing women and children, and permits them to rest a few hours in his barn, when they are supplicants to his mercy, or even gives them a lift in his wagon, even if it should turn out that they are

fugitives from slavery to freedom, does by that offer of mercy and compassion break the law, and make himself liable to their price in the mart where men, women, and children are bought and sold?"

After this a new suit was commenced before Judge Grier, in the United States Circuit Court. After several hearings, a verdict was obtained against Kauffman, amounting, with cost and expenses, to more than four thousand dollars. A large part, if not the whole, of this sum was paid for Mr. Kauffman and his friends, by contributions.

Thomas Garrett, of Wilmington, Delaware, after helping many slaves to escape, was indicted, convicted, and sentenced to pay a sum which consumed all his property. When the Marshal took from him this amount, he said, "I suppose this will teach you, Mr. Garrett, to be more careful hereafter." Mr. G.'s reply was, "You have now taken my last dollar, but if you hear of any fugitives from slavery, who need shelter, send them to me."

Sherman M. Booth and John Rycroft, of Milwaukee, Wisconsin, were lately convicted of aiding in the rescue of the fugitive Glover, and sentenced, by Judge Miller, of the United States Court, to pay fines of one thousand and two hundred dollars, together

with imprisonment. The Milwaukee Marshal and Clerk of the Court selected the jury, in this case, in defiance of a law of Congress to the contrary, and Judge Miller told the jury, in his charge, that he alone was judge of the law ; that the defendant was guilty, and that it was their duty to convict. Three of the jurors, after agreeing to the verdict, adopted the following resolution : —

“ RESOLVED, That while we feel ourselves bound by a solemn oath to perform a most painful duty, in declaring the defendant guilty of the above charge, and thus making him liable to the penalties of a most cruel and odious law, yet at the same time, in so doing, we declare that he performed a most noble, benevolent, and humane act, and we thus record our condemnation of the Fugitive Slave Law, and earnestly commend him to the clemency of the Court.”

The Supreme Court of the State of Wisconsin, has since nobly distinguished itself by discharging Booth and his companions from imprisonment. But they have been afterward prosecuted in a civil suit for damages before the same Judge Miller.

In 1854, Rush R. Sloan, of Sandusky, Ohio, was prosecuted under the Fugitive Slave Law, and sentenced to pay nearly four thousand dollars by the U. S.

Court, for simply doing his duty as counsel for some persons claimed as fugitives, advising his clients that he could not ascertain that they were held by any legal process, and that, therefore, they were at liberty to go where they chose.

And, in addition to all this, we have the trials in Mass., of Theodore Parker, and Wendell Phillips, for speaking in Faneuil Hall in behalf of liberty, at the time of the Burns rendition. With this case, we are all familiar. It will be seen from these facts, that there is a real necessity for such a union as we propose. It is evident that the U. S. Courts, knowing how obnoxious is the Fugitive Slave Law, feel that it can be only enforced by a system of intimidation. By severe penalties inflicted on individuals, they hope to put down opposition to this law. If a man is to run the risk of being ruined who shelters the Fugitive, who aids him to escape from his pursuers, who does his duty as his legal counsel, or who publicly denounces the iniquity of slave-catching, it is supposed that the Slave Law will be easily enforced. The great object, therefore, is to punish severely all who in any way oppose its execution. This is accomplished first, by large instructions to the Grand Jury of the U. S. Courts, making it a crime against the Statute to

say or do anything in consequence of which the fugitive escapes ; secondly, by putting such questions to the petit jury as shall exclude all those who do not believe that the safety of the Union depends on the rendition of fugitives ; and thirdly, by directing them that they are not to judge of the law, but only of the fact. In this way, it is too easy to secure a verdict against the defendant. All that we can do is to see that he shall have proper counsel, and if unjustly convicted, or convicted of doing justly, to take our share of the penalty, by contributing to the expenses which he has incurred. Such is the purpose of this league ; and it is one which we need not be ashamed to avow openly as legal, proper, and eminently necessary at the present time.





# CONSTITUTION.

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## ARTICLE I.

The name of this Association shall be THE DEFENSIVE LEAGUE OF FREEDOM.

## ARTICLE II.

The object of this Association shall be, to secure to all persons claimed as fugitives from Slavery, and to all persons accused of violating the Fugitive Slave Bill, the fullest legal protection ; and also to indemnify all such persons against costs, fines, and expenses whenever they shall seem to deserve such indemnification.

## ARTICLE III.

All persons may become members of the League by signing the Constitution, and paying one dollar as entrance money, and also by subscribing such sum as he or she may choose, which subscription is liable to an assessment according as it is needed, but not to exceed five per cent. per annum, on the amount subscribed.

## ARTICLE IV.

The officers of this Association shall consist of the President, Vice President, Secretary, Treasurer, and Central Committee, to be chosen every year, at the Annual Meeting.

## ARTICLE V.

The Central Committee shall consist of one member from every County in the State, to whom shall be added the

President, Vice President, Secretary, and Treasurer, and five other members chosen at large.

#### ARTICLE VI.

The duty of the Central Committee shall be to obtain subscribers to the League through the State ; to collect and distribute the funds ; to call meetings, and generally to conduct and control the affairs of the Association. Five shall constitute a business quorum.

#### ARTICLE VII.

This Constitution can be changed at any meeting of the League, called for that purpose by the Central Committee, due notice being given.

NOTE. — Persons receiving this pamphlet, who may wish to become members of the League, are requested to send their names to any of the following persons, mentioning the amount they choose to subscribe in addition to the entrance fee of one dollar. It will be seen that only five per cent. per annum of this subscription can be called for. Thus any person willing to pay five dollars a year when needed, will subscribe one hundred dollars ; if he is willing to pay ten dollars a year, he will subscribe two hundred dollars. If no case shall arise during the year calling for aid, then no assessment will be levied on subscriptions. As soon as names are received, a meeting of the League will be called for organization, and the officers for the year will be chosen.

ELLIS GRAY LORING,  
No. 27 State Street.

HENRY J. PRENTISS,  
No. 19 Water Street.

JAMES FREEMAN CLARKE,  
Roxbury, Mass.

JOHN A. ANDREW,  
No. 4 Court Street.

SAMUEL CABOT, JR.  
No. 17 Winter Street.

SAMUEL G. HOWE,  
No. 20 Bromfield Street.

## THE FUGITIVE SLAVE LAW, AND ITS VICTIMS.

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The Fugitive Slave Law was enacted by Congress in September, 1850, received the signature of HOWELL COBB, [of Georgia,] as Speaker of the House of Representatives, of WILLIAM R. KING, [of Alabama,] as President of the Senate, and was "approved," September 18th, of that year, by MILLARD FILLMORE, Acting President of the United States.

The authorship of the Bill is generally ascribed to James M. Mason, Senator from Virginia. Before proceeding to the principal object of this tract, it is proper to give a synopsis of the Act itself, which was well called, by the *New York Evening Post*, "An Act for the Encouragement of Kidnapping." It is in ten sections.

### SYNOPSIS OF THE LAW.

SECTION 1. United States Commissioners "authorized and required to exercise and discharge all the powers and duties conferred by this act."

SECT. 2. Commissioners for the Territories to be appointed by the Superior Court of the same.

SECT. 3. United States Circuit Courts, and Superior Courts of Territories, required to enlarge the number of Commissioners, "with a view to afford reasonable facilities to reclaim fugitives from labor," &c.

SECT. 4. Commissioners put on the same footing with Judges of the United States Courts, with regard to enforcing the Law and its penalties.

SECT. 5. United States Marshals and deputy marshals, who may refuse to act under the Law, to be fined One Thousand dollars, to the use of the claimant. If a fugitive escape from the custody of the Marshal, the Marshal to be liable for his full value. Commissioners authorized to appoint special officers, and to call out the *posse comitatus*, &c.

SECT. 6. The claimant of any fugitive slave, or his attorney, "may pursue and reclaim such fugitive person," either by procuring a warrant from some judge or commissioner, "or by seizing and arresting such fugitive, where the same can be done without process;" to take such fugitive before such judge or commissioner,

"whose duty it shall be to hear and determine the case of such claimant in a summary manner," and, if satisfied of the identity of the prisoner, to grant a certificate to said claimant to "remove such fugitive person back to the State or Territory from whence he or she may have escaped,"—using "such reasonable force or restraint as may be necessary under the circumstances of the case." "In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence." All molestation of the claimant, in the removal of his slave, "by any process issued by any court, judge, magistrate, or other person whomsoever," to be prevented.

SECT. 7. Any person obstructing the arrest of a fugitive, or attempting his or her rescue, or aiding him or her to escape, or harboring and concealing a fugitive, knowing him to be such, shall be subject to a fine of not exceeding one thousand dollars, and to be imprisoned not exceeding six months, and shall also "forfeit and pay the sum of one thousand dollars for each fugitive so lost."

SECT. 8. Marshals, deputies, clerks, and special officers to receive usual fees; Commissioners to receive ten dollars, if fugitive is given up to claimant; otherwise, five dollars; to be paid by claimant.

SECT. 9. If claimant make affidavit that he fears a rescue of such fugitive from his possession, the officer making the arrest to retain him in custody, and "to remove him to the State whence he fled." Said officer "to employ so many persons as he may deem necessary." All, while so employed, to be paid out of the Treasury of the United States."

SECT. 10. [This Section provides an additional and wholly distinct method for the capture of a fugitive; and, it may be added, one of the loosest and most extraordinary that ever appeared on the pages of Statute book.] Any person, from whom one held to service or labor has escaped, upon making "satisfactory proof" of such escape before any court of record, or judge thereof in vacation, — a record of matters so proved shall be made by such court, or judge, and also a description of the person escaping, "with such convenient certainty as may be;" — a copy of which record, duly attested, "being produced in any other State, Territory, or District," and "being exhibited to any judge, commissioner, or other officer authorized," &c., "shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned;" when, on satisfactory proof of identity, "he or she shall be delivered up to the claimant." "Provided, That nothing herein contained shall be construed as requiring the production of a transcript of such record as evidence as aforesaid; but in its absence, the claim shall be heard and determined upon other satisfactory proofs competent in law."

The names of the NORTHERN men who voted for this cruel kidnapping law should not be forgotten. Until they repent, and



do works meet for repentance, let their names stand high and conspicuous on the roll of infamy. Let the "slow-moving finger of scorn" point them out, when they walk among men, and the stings of shame, disappointment, and remorse continually visit them in secret, till they are forced to cry, "my punishment is greater than I can bear." As to the *Southern* men who voted for the law, they only appeared in their legitimate character of oppressors of the poor — whom God will repay, in his own time. The thousand-tongued voices of their brother's blood cry against them from the ground.

The following is the vote, in the SENATE, on the engrossment of the bill : —

YEAS. — Atchison, Badger, Barnwell, Bell, Berrien, Butler, Davis (of Mississippi), Dawson, A. C. DODGE (of Iowa), Downs, Foote, Houston, Hunter, JONES (of Iowa), King, Mangum, Mason, Pearce, Rusk, Sebastian, Soulé, Spruance, STURGEON (of Pennsylvania), Turney, Underwood, Wales, Yulee. — 27.

NAYS. — Baldwin, Bradbury, Chase, Cooper, Davis (of Massachusetts), Dayton, Henry Dodge (of Wisconsin), Greene, Smith, Upham, Walker, Winthrop. — 12.

ABSENT, OR NOT VOTING. — Benton, Borland, *Bright* of Indiana, *Clarke* of Rhode Island, Clay, *Cass* of Michigan, Clemens, *Dickinson* of New York, *Douglas* of Illinois, *Ewing* of Ohio, *Felch* of Michigan, *Hale* of New Hampshire, *Hamlin* of Maine, *Miller* of New Jersey, Morton, *Norris* of New Hampshire, *Phelps* of Vermont, Pratt, *Seward* of New York, *Shields* of Illinois, *Whitcomb* of Indiana. [Fifteen Northern Senators absent from the vote.]

On the final passage of the Bill in the Senate, the yeas and nays were not taken. *D. S. Dickinson* of New York, who had been absent when the vote was taken on the engrossment, spoke in favor of the bill. Mr. Seward was said to be absent from the city, detained by ill health.

When the Bill came up in the HOUSE OF REPRESENTATIVES, (September 12th,) JAMES THOMPSON of Pennsylvania, got the floor, — doubtless by a previous understanding with the Speaker, — and addressed the House in support of the Bill. He closed his remarks by *moving the previous question* ! It was ordered, and thus all opportunity for reply, and for discussion of the Bill was cut off. The Bill was then passed to its third reading — equivalent to enactment — by a vote of 109 YEAS, to 75 NAYS ; as follows : —

## YEAS.

*Maine.* — THOMAS J. D. FULLER, of Calais ; ELBRIDGE GERRY, of Waterford ; NATHANIEL S. LITTLEFIELD, of Bridgton.

*New Hampshire.* — HARRY HIBBARD, of Bath ; CHARLES H. PEASLEE, of Concord.

*Massachusetts.* — SAMUEL A. ELIOT, of Boston.

*New York.* — HIRAM WALDEN, of Waldensville.

*New Jersey.* — ISAAC WILDRICK, of Blairstown.

*Pennsylvania.* — MILO M. DIMMICK, of Stroudsburg ; JOB MANN, of Bedford ; J. X. McLANAHAN, of Chambersburg ; JOHN ROBBINS, Jr., of Philadelphia ; THOMAS ROSS, of Doylestown ; JAMES THOMPSON, of Erie.

*Ohio.* — MOSES HOAGLAND, of Millersburg ; JOHN K. MILLER, of Mount Vernon ; JOHN L. TAYLOR, of Chillicothe.

*Michigan.* — ALEXANDER W. BUELL, of Detroit.

*Indiana.* — NATHANIEL ALBERTSON, of Greenville ; WILLIAM J. BROWN, of Amity ; CYRUS L. DUNHAM, of Salem ; WILLIS A. GORMAN, of Bloomington ; JOSEPH E. McDONALD, of Crawfordsville ; EDWARD W. MCGAUGHEY, of Rockville.

*Illinois.* — WILLIAM H. BISSELL, of Belleville ; THOMAS L. HARRIS, of Petersburg ; JOHN A. MCCLERNAND ; WILLIAM A. RICHARDSON, of Quincy ; TIMOTHY R. YOUNG, of Marshall.

*Iowa.* — SHEPHERD LEFFLER, of Burlington.

*California.* — EDWARD GILBERT.

[All these Northern Traitors called themselves *Democrats* ! save three — *Eliot* of Massachusetts, *Taylor* of Ohio, and *McGaughey* of Indiana, who were Whigs.]

Every Representative of a Slaveholding State, who voted at all, voted YEA. Their names are needless, and are omitted.

## NAYS.

*Maine.* — Otis, Sawtelle, Stetson.

*New Hampshire.* — Amos Tuck.

*Vermont.* — Hebard, Henry, Meacham.

*Massachusetts.* — Allen, Duncan, Fowler, Mann.

*Rhode Island.* — Dixon, King.

*Connecticut.* — Butler, Booth, Waldo.

*New York.* — Alexander, Bennett, Briggs, Burrows, Gott, Gould, Halloway, Jackson, John A. King, Preston King, Matteson, McKissock, Nelson, Putnam, Rumsey, Sackett, Schermerhorn, Schoolcraft, Thurman, Underhill, Silvester.

*New Jersey.* — Hay, King.

*Pennsylvania.* — Calvin, Chandler, Dickey, Freedley, Hampton, Howe, Moore, Pitman, Reed, Stevens.

*Ohio.* — Cable, Carter, Campbell, M. B. Corwin, Crowell, Disney, Evans, Giddings, Hunter, Morris, Root, Vinton, Whittlesey, Wood.

*Michigan.* — Bingham, Sprague.  
*Indiana.* — Fitch, Harlan, Julian, Robinson.  
*Illinois.* — Baker, Wentworth.  
*Wisconsin.* — Cole, Doty, Durkee.  
*California.* — Wright.

### ABSENT, OR NOT VOTING.

Andrews, Ashmun (Mass.), Bokee, Brooks, Butler, Casey, Cleveland (Conn.), Clarke, Conger, Duer, Gilmore, Goodenow, Grinnell (Mass.), Levin, Nes, Newell, Ogle, Olds, Peck, Phoenix, Potter, Reynolds, Risley, Rockwell (Mass.), Rose, Schenck, Spaulding, Strong, Sweetser, Thompson (Iowa), Van Dyke, White, Wilmot (Penn.) [33 — all Northern men.]

[Fifteen Southern Representatives did not vote.]

DANIEL WEBSTER was not a member of the Senate when the vote on the Fugitive Slave Bill was taken. He had been made Secretary of State, a short time previous. All, however, will remember the powerful aid which he gave to the new compromise measures, and among them to the Fugitive Slave Bill, in his notorious Seventh of March Speech, [1850.] A few extracts from that Speech will show how heavily the responsibility of the existence of this law rests upon DANIEL WEBSTER :—

“I suppose there is to be found no injunction against that relation [Slavery] between man and man, in the teachings of the Gospel of Jesus Christ, or of any of his Apostles.”—*Webster's 7th March Speech, (Authorized Edition,)* p. 9.

“One complaint of the South has, in my opinion, just foundation; and that is, that there has been found at the North, among individuals and among legislators, a disinclination to perform, fully, their Constitutional duties in regard to the return of persons bound to service, who have escaped into the free States. In that respect, it is my judgment that the South is right, and the North is wrong.”  
 \* \* \* \* “My friend at the head of the Judiciary Committee [Mr. MASON of Virginia] has a bill on the subject now before the Senate, with some amendments to it, WHICH I PROPOSE TO SUPPORT, WITH ALL ITS PROVISIONS, to the fullest extent.”—*Idem.* p. 29.

He proceeded to assure the Senate that the North would, on due consideration, fulfil “their constitutional obligations” “*with alacrity.*” “Therefore, I repeat, sir, that here is a ground of complaint against the North well founded, which ought to be removed, which it is now in the power of the different departments of this Government to remove; which calls for the enactment of proper laws authorizing the judicature of this Government, in the several States, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them.

Wherever I go, and whenever I speak on the subject, and when I speak here, I desire to speak to the whole North, I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what, I think, the Constitution peremptorily and emphatically enjoins upon her as a duty."—*Idem.* p. 30.

In a speech in the United States Senate, July 17, 1850, made with an evident view to calm that Northern feeling which had been aroused and excited by his 7th of March speech, beyond the power of priest or politician wholly to subdue, Mr. WEBSTER said there were various misapprehensions respecting the working of the proposed Fugitive Slave Bill:—

"The first of these misapprehensions," he said, "is an exaggerated sense of the actual evil of the reclamation of fugitive slaves, felt by Massachusetts and the other New England States. What produced that? The cases do not exist. There has not been a case within the knowledge of this generation, in which a man has been taken back from Massachusetts into slavery by process of law, not one." \* \* \* \* Not only has there been no case, so far as I can learn, of the reclamation of a slave by his master, which ended in taking him back to slavery, in this generation, but I will add, that, as far as I have been able to go back in my researches, as far as I have been able to hear and learn, in all that region there has been no one case of false claim. \* \* \* *There is no danger of any such violation being perpetrated.*" \*—*Webster's Speech on the Compromise Bill, in the United States Senate, 17th of July, 1850, edition of Gideon & Co., Washington, pp. 23-25.*

With such words did Mr. Webster endeavor to allay Northern alarm, and to create the impression (which was created and which prevailed extensively with his friends) that the Fugitive Law was only a concession to Southern feeling, and that few or no attempts to enforce it were likely to be made.

But when a few months had proved him a false prophet, and the Southern chase after fugitive men, women, and children had become hot and fierce, and in one or two instances the hunter had been foiled in his attempts and had lost his prey, Mr. Webster changed his tone, as follows:—

In May, 1851, at Syracuse, N. Y., he said: "Depend upon it, the Law [the Fugitive Slave Law] will be executed in its spirit

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\* See also Mr. Webster's Letter to the Citizens of Newburyport, dated May 15th, 1850, wherein he urges the same point, with great pains of argument.



and to its letter. It will be executed in all the great cities — here in Syracuse, in the midst of the next Anti-Slavery Convention, if the occasion shall arise."

Certainly, so far as in Mr. Webster lay, so far as was in the power of Mr. Fillmore, and the officers of the United States Government generally, and of the still larger crowd of *expectants* of office, nothing was left undone to introduce the tactics, discipline, and customs of the Southern plantation into our Northern cities and towns, in order to enforce the Fugitive Law.

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The remainder of this Tract will be devoted to a record, as complete as circumstances enable us to make, of the VICTIMS OF THE FUGITIVE SLAVE LAW. It is a terrible record, which the people of this country should never allow to sleep in oblivion, until the disgraceful and bloody system of Slavery is swept from our land, and with it, all Compromise Bills, all Constitutional Guarantees to Slavery, all Fugitive Slave Laws. The established and accredited newspapers of the day, without reference to party distinctions, are the authorities relied upon in making up this record, and the *dates* being given with each case, the reader is enabled to verify the same, and the few particulars which the compass of the Tract allows to be given with each. With all the effort which has been made to secure a good degree of completeness and exactness, the present record must of necessity be an imperfect one, and fall short of exhibiting all the enormities of the Act in question.

JAMES HAMLET, of *New York, September, 1850*, was the first victim. He was surrendered by United States Commissioner Gardiner to the agent of one Mary Brown, of Baltimore, who claimed him as her slave. He was taken to Baltimore. An effort was immediately made to purchase his freedom, and in the existing state of the public feeling, the sum demanded by his mistress, \$800, was quickly raised. Hamlet was brought back to New York with great rejoicings.

*Near Bedford, Penn., October 1.* Ten fugitives, from Virginia, were attacked in Pennsylvania — one mortally wounded, another dangerously. Next morning, both were captured. Five others entered a mountain hut, and begged relief. The woman supplied their wants. Her husband went out, procured assistance, captured the slaves, and received a reward of \$255.



*Harrisburg, Penn., October.* Some slaves, number not stated, were brought before Commissioner M'Allister, when "the property was proven, and they were delivered to their masters, who took them back to Virginia, by railroad, without molestation."

*Detroit, 8th October.* A negro was arrested under the new law, and sent to jail for a week, to await evidence. Great numbers of colored people armed themselves to rescue him. Result not known.

HENRY GARNETT, *Philadelphia*, arrested as the slave of Thomas P. Jones, of Cecil County, Maryland, and taken before Judge Grier, of the United States Supreme Court, October 18, 1850, who declared his determination to execute the law as he found it. The Judge said that the claimant had not taken the course prescribed by the fugitive act, and proceeded to explain, in a detailed manner, what the course should be in such cases. As the claimant thus failed to make out his case, the prisoner was ordered to be discharged.

*Boston, about 25th October.* Attempt to seize WILLIAM and ELLEN CRAFT. William Craft armed himself, and kept within his shop. Ellen was concealed in the house of a friend. Their claimants, named Hughes & Knight, were indicted for defamation of character, in calling W. C. a slave, and brought before a magistrate. The feeling excited against them was so great, that they at length fled from the city. Shortly after, it being considered hazardous for Mr. and Mrs. Craft to remain in the country, they were enabled to escape to England.

[In a letter, dated Macon, Georgia, Nov. 11, John Knight gives a particular account of the proceedings and experiences of himself and his friend Hughes, on their then recent visit to Boston for the purpose, to quote his own language, "of re-capturing William and Ellen Craft, the negroes belonging to Dr. Collins and Ira Taylor." Willis H. Hughes also published his statement.]

*New Albany, Indiana.* A woman and boy given up, and taken to Louisville. They were so white that, even in Kentucky, a strong feeling arose in their favor on that ground. They were finally bought for \$600, and set free.

ADAM GIBSON, *Philadelphia*, December 21, 1850. Surrendered by Edward D. Ingraham, United States Commissioner. The case was hurried through in indecent haste, testimony being admitted against him of the most groundless character. One witness swore that Gibson's name was Emery Rice. He was taken to Elkton, Maryland. There, Mr. William S. Knight, his supposed owner, refused to receive Gibson, saying he was not the man, and he was taken back to Philadelphia.

What compensation has the United States Government ever made to Adam Gibson, for the injurious act of its agent, Ingraham? Had not the Slaveholder been more honorable than the

Commissioner or the makers of the Fugitive Law, Gibson would have been in Slavery for life.

HENRY LONG, *New York, December, 1850.* Brought before Commissioner Charles M. Hall, claimed as the fugitive slave of John T. Smith, of Russell County, Virginia. After five or six days' proceedings, there being some doubt of the Commissioner's legal right to act, the alleged fugitive, Long, was taken before Judge Judson, District Judge of the United States. The Castle Garden Union Safety Committee retained Mr. George Wood in this case, as counsel for the slave claimant. Long was surrendered by Judge Judson, and taken to Richmond, Virginia. Judge J. was complimented by the *Washington Union* as "a clear-headed, competent, and independent officer, who has borne himself with equal discretion, liberality, and firmness. Such judges as he," continues the *Union*, "are invaluable in these times of turmoil and agitation." At Richmond, Long was advertised to be sold at public auction. On Saturday, January 18th, he was sold, amid the jeers and scoffs of the spectators, for \$750, to David Clapton, of Georgia. The auctioneers (Pullam & Slade), in commencing, said there was one condition of the sale. Bonds must be given by the purchaser that this man shall be carried South, and that he shall be kept South, and sold, if sold again, to go South; and they declared their intention to see the terms fully complied with. Long was subsequently advertised for sale at Atlanta, Georgia.

*Near Coatsville, Chester County, Penn.* On a writ issued by Commissioner Ingraham, Deputy Marshal Halzell and other officers, with the claimant of an alleged fugitive, at night, knocked at the door of a colored family, and asked for a light to enable them to mend their broken harness. The door being opened for this purpose, the marshal's party rushed in, and said they came to arrest a fugitive slave. Resistance was made by the occupant of the house and others, and the marshal's party finally driven off—the slave owner advising that course, and saying, "Well, if this is a specimen of the pluck of Pennsylvania negroes, I don't want my slaves back." The master of the house was severely wounded in the arm by a pistol shot; still he maintained his ground, declaring the marshal's party should not pass except by first taking his life.

*Marion, Williamson County, Ill., about December 10, 1850.* Mr. O'Havre, of the city police, Memphis, Tennessee, arrested and took back to Memphis a fugitive slave, belonging to Dr. Young. He did so, as the Memphis paper states, only "after much difficulty and heavy expense," being strongly opposed by the Free Soilers and Abolitionists, but was assisted by Mr. W. Allen, member of Congress, and other gentlemen."

*Philadelphia, about January 10, 1851.* G. F. Alberti and others seized, under the Fugitive Slave Law, a free colored boy, named

JOEL THOMPSON, alleging that he was a slave. The boy was saved.

STEPHEN BENNETT, *Columbia, Penn.*, arrested as the slave of Edward B. Gallup, of Baltimore. Taken before Commissioner Ingraham; thence, by *habeas corpus*, before Judge Kane. He was saved only by his freedom being purchased by his friends.

*The Huntsville (Ala.) Advocate*, of January 1, 1851, said that Messrs. Markwood & Chester had brought back "*seven of their Slaves*" from Michigan.

*The Memphis (Tenn.) Eagle*, of a later date, says that within a few weeks "at least five fugitive slaves have been brought back to this city, from free States, with as little trouble as would be had in recovering stray cows." The same paper adds, "We occasionally receive letters notifying us that a slave, said to be the property of some one in this vicinity, has been lodged in jail in Illinois or Indiana, for his owner, who will please call, pay charges, and take him away."

*In Boston, end of January, 1851.* A colored man, lately from North Carolina, was sought by officers, under Marshal Devens, aided by a lawyer, named Spencer, provided by the New York Union Safety Committee. The arrest was not attempted. It was found that the colored man was too strongly guarded and protected.

Mrs. TAMOR, or EUPHEMIA WILLIAMS, *Philadelphia, February, 1851*, mother of six children, arrested and brought before Commissioner Ingraham, as the slave Mahala, belonging to William T. J. Purnell, of Worcester County, Maryland, admitted to have been absent since 1829 — twenty-two years. Children all born in Pennsylvania; oldest about seventeen — a girl. Her husband also in custody, and alleged to be the slave of another man. Under writ of *habeas corpus*, Mrs. Williams was taken before Judge Kane, of the United States Circuit Court. After a full hearing, she was discharged, as not being the woman alleged.

SHADRACH, *in Boston, February 15, 1851.* Arrested in Taft's Cornhill Coffee House, by deputies of United States Marshal Devens, on a warrant issued by George T. Curtis, United States Commissioner, on the complaint of John Caphart, attorney of John De Bree, of Norfolk, Va. Seth J. Thomas appeared as counsel for Caphart. After a brief hearing before G. T. Curtis, Commissioner, the case was adjourned to the following Tuesday. Shortly after the adjournment, the court-room was entered by a body of men, who bore away the prisoner, Shadrach. After which he was heard of in Montreal, Canada, having successfully, with the aid of many friends, escaped the snares of all kidnappers, in and out of Boston. The acting President, MILLARD FILLMORE, issued his proclamation, countersigned by DANIEL WEBSTER, Secretary of State, requiring prosecutions to be commenced against all who participated in the rescue.

*Shawneetown, Illinois.* A woman was claimed by Mr. Haley, of Georgia, as his slave; and was delivered up to him by two Justices of the Peace, (early in 1851.)

*Madison, Indiana.* George W. Mason, of Davies County, Kentucky, arrested a colored man, named MITCHUM, who, with his wife and children, lived near Vernon. The case was tried before a Justice of the Peace, named Basnett, who was satisfied that Mitchum was Davis's slave, and had left his service *nineteen years before*. The slave was accordingly delivered up, and was taken to Kentucky, (Feb. 1851.)

*Clearfield County, Penn., about 20th January, 1851.* A boy was kidnapped and taken into slavery. — *Mercer (Pa.) Presbyterian.*

*Near Ripley, Ohio.* A fugitive slave, about January 20, killed his pursuer. He was afterwards taken and carried back to slavery.

*Burlington, Lawrence County, Ohio, near the end of February, 1851,* four liberated slaves were kidnapped, re-enslaved, and sold. Efforts were made to bring the perpetrators of this nefarious act to punishment, and restore the victims to freedom.

*At Philadelphia, early in March, 1851,* occurred the case of the colored woman HELEN or HANNAH, and her son, a child of tender years. She was taken before a Commissioner, and thence, by writ of *habeas corpus*, before Judge Kane. An additional question arose from the fact that the woman would soon become the mother of another child. Judge Kane decided that she was the property of John Perdu, of Baltimore, together with her son, and her unborn child, and they were all surrendered accordingly, and taken into slavery.

*Pittsburg, March 13, 1851.* RICHARD GARDINER was arrested in Bridgewater, Beaver County, Pennsylvania, claimed as the property of Miss R. Byers, of Louisville, Kentucky. Judge Irwin, of the United States District Court, "remanded the fugitive back to his owner." He was afterwards bought for \$600, and brought into a free State.

*The Wilmington (Del.) Journal,* in March, 1851, says kidnapping has become quite frequent in that State; and speaks of a negro kidnapped in that city, on the previous Wednesday night, by a man who had been one of the city watchmen.

THOMAS SIMS, arrested in *Boston*, April 4, 1851, at first on pretence of a charge of theft. But when he understood it was as a fugitive from slavery, he drew a knife and wounded one of the officers. He was taken before Commissioner George T. Curtis. To guard against a repetition of the Shadrach rescue, the United States Marshal, Devens, aided by the Mayor (John P. Bigelow) and City Marshal (Francis Tukey) of Boston, surrounded the Court House, in Boston, with heavy chains, guarded it by a strong extra force of police officers, with a strong body of guards also within the building, where the fugitive was imprisoned as well as



tried. Several military companies also were called out by the city authorities, and kept in readiness night and day to act against the people, should they attempt the deliverance of Sims; Faneuil Hall itself being turned into barracks for these hirelings of slavery. Every effort was made by S. E. Sewall, Esq., Hon. Robert Rantoul, Jr., and Charles G. Loring, Esq., to save Sims from being returned into slavery, and Boston from the eternal and inefaceable disgrace of the act. But in vain. The omnipotent Slave Power demanded of Boston a victim for its infernal sacrifices. Millard Fillmore, Daniel Webster, and their numerous tools, on the Bench, in Commissioners' seats, and other official stations, or in hopes of gaining such stations bye and bye, had fallen upon their faces before the monster idol, and sworn that the victim should be prepared. Thomas Sims was ordered back to slavery by Commissioner G. T. Curtis, and was taken from the Court House, in Boston, early on the morning of April 11th, [1851,] to the Brig *Acorn*, lying at the end of Long Wharf, and thence in the custody of officers, to Savannah, Georgia.

There, after being lodged in jail, and severely and cruelly whipped, as was reported, he was at length sold, and became merged and lost in the great multitude of the enslaved population. The surrender of Sims is said to have cost the United States Government \$10,000; the City of Boston about as much more; and Mr. Potter, the claimant of Sims, about \$2,400, making a total of some \$22,000, directly expended on the case.

*Vincennes, Indiana, April, 1851.* Four fugitive slaves were seized, claimed by one Mr. Kirwan, of or near Florence, Alabama. The magistrate, named Robinson, gave up the fugitives, and they were taken into slavery.

*In Salisbury Township, Penn., April, 1851,* an elderly man was kidnapped and carried into Maryland.

*Near Sandy Hill, Chester County, Penn., in March, 1851,* a very worthy and estimable colored man, named Thomas Hall, was forcibly seized, his house being broken into by three armed ruffians, who beat him and his wife with clubs. He was kidnapped.

MOSES JOHNSON, *Chicago, Illinois,* brought before a United States Commissioner, discharged as not answering to the description of the man claimed.

CHARLES WEDLEY, kidnapped from Pittsburg, Pennsylvania, and taken into Maryland. He was found, and brought back.

*Cincinnati, Ohio, June 3, 1851,* an attempt to arrest a fugitive was made. But a scuffle ensued, in which the man escaped.

*Cincinnati, Ohio.* About the same time, some slaves, (number not stated,) belonging to Rev. Mr. Perry and others, of Covington, Kentucky, were taken in Cincinnati, and carried back to Kentucky.

*Philadelphia, end of June, 1851,* a colored man was taken away as a slave, by steamboat. A writ of *Habeas Corpus* was got out,



but the officer could not find the man. This is probably the same case with that of JESSE WHITMAN, arrested at Wilkesbarre.

FRANK JACKSON, a free colored man in *Mercer, Penn.*, was taken, early in 1851, by a man named Charles May, into Virginia, and sold as a slave. He tried to escape, but was taken and lodged in Fincastle jail, Virginia.

THOMAS SCOTT JOHNSON, free colored man, of *New Bedford*, was arrested near Portsmouth, Virginia, and was about to be sold as a slave; but, by the strenuous interposition of Capt. Card, certificates were obtained from New Bedford, and he was set at liberty.

ELIZABETH WILLIAMS, *West Chester County, Penn.*, delivered into slavery by Commissioner Jones. (July, 1851.)

DANIEL HAWKINS, of *Lancaster County, Penn.*, (July, 1851,) was brought before Commissioner Ingraham, Philadelphia, and by him delivered to his claimant, and he was taken into slavery.

*New Athens, Ohio, July 8, 1851.* Eighteen slaves, who had escaped from Lewis County, Kentucky, were discovered in an old building in Adams County, Ohio. Some white men, professing to be friendly, misled them, and brought them to a house, where they were imprisoned, bound one by one, and carried back to Kentucky. [The enactment of the Fugitive Slave Law is the direct stimulating cause of all these cases of kidnapping.]

*Buffalo, August, 1851.* Case of DANIEL ——. D. was a cook on board the steamer "Buckeye State." He was engaged in his avocation, when Benj. S. Rust, with a warrant from United States Commissioner H. K. Smith, went on board the boat. Daniel was called up from below, and as his head appeared above the deck, Rust struck him a heavy blow, upon the head, with a large billet of wood, which knocked him back into the cook-room, where he fell upon the stove and was badly burned. In this state, he was brought before the Commissioner, "bleeding profusely at the back of the head, and at the nose, and was moreover so stupefied by the assault, that he fell asleep several times during the brief and very summary proceedings." For most of the time he was unable to converse with his counsel, and "sat dozing, with the blood slowly oozing out of his mouth and nostrils." After a very hurried form and mockery of a trial, Daniel was ordered to be delivered to Rust, the Agent of George H. Moore, of Louisville, Kentucky. By a writ of *Habeas Corpus*, Daniel was brought before Judge Conkling, of the United States Court, at Auburn, who gave a decision that set Daniel at liberty, and he was immediately hurried by his friends into Canada. Rust was indicted, in Buffalo, for his brutal assault on Daniel. It was fully proved; he afterwards plead guilty, and was let off with the paltry fine of fifty dollars.

JOHN BOLDING, arrested in *Poughkeepsie, New York*, claimed as the property of Barret Anderson, of Columbia, S. C. Bolding was a young man, of good character, recently married, and had a small

tailor's shop in P. He said he was told, when a boy, that he was the son of a white man. He was tried before United States Commissioner Nelson, who ordered him to be delivered up to his claimants, and he was taken quietly from the city to Columbia, S. C. The sum of \$2,000 was raised in New York, and paid to Bolding's owner, who had consented to take that sum for him, and Bolding returned to his family in Poughkeepsie.

*Christiana, Lancaster County, Penn., Sept. 1851.* Edward Gorsuch, (represented as a very pious member of a Methodist Church in Baltimore,) with his son Dickinson, accompanied by the Sheriff of Lancaster County, Pa., and by a Philadelphia officer named *Henry Kline*, went to Christiana to arrest certain slaves of his, who, (as he had been privately informed by a wretch, named Wm. M. Padgett,) were living there. An attack was made upon the house, the slaveholder declaring (as was said) that he "would not leave the place alive without his slaves." "Then," replied one of them, "you will not leave here alive." Many shots were fired on both sides, and the slave-hunter, Edward Gorsuch, was killed.

At a subsequent trial, a number of persons (nearly forty) were committed to take their trial for "treason against the United States, by levying war against the same, in resisting by force of arms the execution of the Fugitive Slave Law." CASTNER HANWAY was of the number. After suffering imprisonment and being subjected to great loss of time and heavy expenses, they were all discharged.

*Syracuse, October 1, 1851.* JERRY, claimed as the slave of John McReynolds, of Marion County, Missouri, was brought to trial before Commissioner J. F. Sabine. He was rescued by a large body of men from the officers who had him in custody, and was next heard of in Canada.

*James R. Lawrence*, a lawyer of Syracuse, acted as counsel for *James Lear*, attorney of McReynolds.

[N. B. Daniel Webster's prophecy was not fulfilled.]

*Columbiz, Penn., (fall of 1851.)* Man named HENRY, arrested as the slave of Dr. Duvall, of Prince George's County, Maryland,—taken to *Harrisburg*, before United States Commissioner McAllister, and by him consigned to slavery.

*Judge Denning*, of Illinois, discharged a negro brought before him as a fugitive slave, on the ground that the Fugitive Slave Law was unconstitutional.

*Two alleged slaves arrested at Columbia, Penn., on warrant of United States Commissioner McAllister,—claimed as property of W. T. McDermott, of Baltimore. One was carried into slavery; one escaped. (November, 1851.)*

*Near New Philadelphia, Maryland,* a woman, married to a free colored man, with whom she had lived ten years, was arrested as the slave of a Mr. Shreve, of Louisville, Kentucky. She was taken back to Kentucky.

RACHEL PARKER, free colored girl, kidnapped from house of Joseph S. Miller, West Nottingham, Penn., by the "notorious Elkton Kidnapper, McCreary," Dec. 31, 1851. Mr. Miller tracked the kidnappers to Baltimore, and tried to recover the girl, but in vain. On his way home, he was induced to leave the cars, and was undoubtedly murdered, — it was supposed in revenge of the death of Gorsuch at Christiana. Mr. Miller's body was found suspended from a tree. A suit was brought in the Circuit Court of Baltimore County, for the freedom of Rachel Parker, Jan. 1853. Over sixty witnesses, from Pennsylvania, attended to testify to her being free-born, and that she was not the person she was claimed to be; although, in great bodily terror, she had, after her capture, confessed herself the alleged slave! So complete and strong was the evidence in her favor, that, after an eight days' trial, the claimants abandoned the case, and a verdict was rendered for the freedom of Rachel, and also of her sister, Elizabeth Parker, who had been previously kidnapped, and conveyed to New Orleans.

McCreary was demanded by Gov. Bigler, of Pennsylvania, to be delivered up for trial on a charge of kidnapping; but Gov. Lowe, of Maryland, refused to surrender him. See *Standard*, July 2, 1853.

JAMES TASKER, *New York City*, (Feb. 1852,) arrested through the treachery of Police Officer Martin, and brought before United States Commissioner George W. Morton, as the slave of Jonathan Pinckney, of Maryland. He was given up, and taken back to slavery.

HORACE PRESTON, arrested in *Williamsburg, New York*, as the slave of William Reese, of Baltimore, Maryland; — Richard Busted, of New York, being Attorney for the slaveholder. He was brought before United States Commissioner Morton, 1st April, 1852; for several days previous he had been kept a prisoner; and his wife knew not what had become of him. He was given up by the Commissioner, and was carried into slavery. The same policeman, Martin, (who acted in the case of James Tasker,) was active in this case; being, doubtless, the original informant.

Preston was afterwards bought for about \$1,200, and brought back.

*Columbia, Penn.*, (end of March, 1852;) a colored man, named WILLIAM SMITH, was arrested as a fugitive slave in the lumber yard of Mr. Gottlieb, by Deputy Marshal Snyder, of Harrisburg, and police officer Ridgeley, of Baltimore, under a warrant from Commissioner McAllister. Smith endeavored to escape, when Ridgeley drew a pistol and shot him dead! Ridgeley was demanded by the Governor of Pennsylvania, of the Governor of Maryland, and the demand was referred to the Maryland Legislature.

Hon. J. R. Giddings proposed the erection of a monument to Smith.

JAMES PHILLIPS, who had resided in *Harrisburg, Penn.*, for fourteen years, was arrested May 24, 1852, as the former slave of Dennis Hudson, of Culpepper County, Virginia, afterwards bought by Henry T. Fant, of Fauquier County. He was brought before United States Commissioner McAllister. Judge McKinney volunteered his services to defend the alleged fugitive. The Commissioner, as soon as possible, ordered the man to be delivered up; and, after fourteen years' liberty, he was taken back to slavery in Virginia. Afterwards, bought for \$900, and taken back to *Harrisburg*.

*Wilkesbarre, Penn.*, (Summer of 1852.) Mr. Harvey arrested and fined for shielding a slave.


*Sacramento, California*; a man named Lathrop claimed another as his slave, and Judge Fry decided that the claim was good, and ordered the slave to be surrendered. Mr. Lathrop left, with his slave, for the Atlantic States.

A beautiful young woman, nearly white, was pursued by her owner [and father] to New York, (end of June, 1852.) There a large reward was offered to a police officer to discover her place of residence. It was discovered, and measures taken for her apprehension; but the alarm had been taken, and she escaped.

*Sacramento, California*; three men were seized by a Mr. Perkins, of Mississippi. The Court decided them to be his property, and they were carried back to Mississippi.— *Standard*, July 29, 1852.

*Petersburg, Penn.* Two fugitives from Alabama slavery were overtaken, and taken back, September, 1852.

JOHN HENRY WILSON, a lad of fourteen years, kidnapped from Danville, Pennsylvania, and taken to Baltimore, where he was offered for sale to John N. Denning. Kidnappers committed to jail, October, 1852.

[] DANIEL WEBSTER, the endorser of the Fugitive Slave Law, died at Marshfield, Mass., October 24th, 1852, in the very height of the Law's triumphant operation.]

LOUISA, a colored woman, claimed by Mrs. Reese, of San Francisco, California, was seized by five armed men, and put on board Steamer Golden Gate, and carried it is not known whither. The aid of the Law was not invoked. The *California Christian Advocate*, from which the above is taken, says, "Two colored men, stewards on the Golden Gate, were sent back to the States on the last trip, under the State Fugitive Law."

A mulatto woman, in *San Francisco*, was ordered to be delivered to her claimant, T. T. Smith, Jackson County, Missouri, by "Jus-



tice Shepherd.”—*San Francisco Herald*—in *Standard*, November 4, 1852.

*Sandusky, Ohio.* Two men, two women, and several children were arrested and taken from a steamboat just about to leave for Detroit. Taken before Mayor Follett, by a man who claimed to be their owner. R. R. Sloane, Esq., was employed as counsel for the slaves. No one claiming custody of the slaves, or producing any writs or warrants, Mr. Sloane signified to the crowd present that there appeared to be no cause for the detention of the persons. Immediately a rush was made for the door. A man, who before had been silent, exclaimed, “Here are the papers—I own the slaves—I’ll hold you individually responsible for their escape.” The slaves escaped into Canada, October, 1852. Mr. Sloane was afterwards prosecuted for the value of the slaves, and judgment given against him to the amount of \$3,950.

*Thirty slaves*, says the *Maysville (Ky.) Eagle*, “escaped from Mason and Bracken Counties, a short time ago. Some of them were captured in Ohio, by their owners, at a distance of about forty miles from the river.” “They brought the captured slaves home without encountering the least obstacle, or even an unkind word.”—*Standard*, November 4, 1852.

**THE LEMMON SLAVES.** At New York, eight persons, claimed by Jonathan Lemmon, of Norfolk, Virginia, as his slaves, were brought before Judge Paine, November, 1852. It appeared that they had been brought to New York by their owner, with a view of taking them to Texas, as his slaves. Mr. Louis Napoleon, a respectable colored man, of New York, procured a writ of habeas corpus, under which they were brought before the court. Their liberation was called for, under the State Law, not being fugitives, but brought into a free State by their owner. Said owner appeared, with Henry D. Lapaugh as his counsel, aided by Mr. Clinton. At their urgent request, the case was postponed from time to time, when Judge Paine, with evident reluctance, decreed the freedom of the slaves. E. D. Culver and John Jay, Esqs., were counsel for the slaves. The merchants and others of New York subscribed and paid Mr. Lemmon the sum of \$5,280, for loss of his slaves. The *New York Journal of Commerce* was very active in raising this money. The same men were invited to contribute something for the destitute men, women, and children claimed by Lemmon. The whole amount given by them all, was two dollars. About one thousand dollars were raised for them among the better disposed but less wealthy class.

**THOMAS BROWN** alias **GEORGE BORDLEY**, *Philadelphia, November, 1852*, was claimed by one Andrew Pearce, Cecil County, Maryland. Given up to claimant by Commissioner Ingraham. The arrest of the man was made by the notorious kidnapper, George F. Alberty. Mr. Pettit, counsel for the claimant.



RICHARD NEAL, free colored man, kidnapped in Philadelphia, and carried from the city in a carriage towards Maryland. A writ of *habeas corpus* was obtained, the kidnappers were overtaken, and Neal brought back after resistance and various hindrances. The Supreme Court of Pennsylvania discharged him. February, 1853.

*Ten slaves*, arrested in Indiana, and taken back to Tennessee, by W. Carney and others. Resistance was made, and W. Carney "was very badly injured during the fracas." — *Nashville Whig*, March 5, 1853.

*Alton, Illinois.* A man claimed to belong to Walter Carrico, of Warren County, Missouri, was arrested by police officers from St. Louis. After being lodged in jail in St. Louis he made his escape, and again went into Illinois. He was pursued, found, and taken back to St. Louis. — *St. Louis Republican*, March, 1853.

AMANDA, a slave girl, was brought to St. Louis, from near Memphis, Tennessee, a year before, by a son of her master, and by him set free, without his father's consent. After the father's death, an attempt was made to seize Amanda, and take her back to Tennessee without trial. This was prevented by officers, the girl taken from the steamboat *Cornelia*, and brought before Levi Davis, United States Commissioner. He decided in favor of the claimants, (the heirs of the estate, of course.) — *St. Louis Republican*, March 17, 1853.

JANE TRAINER, a colored child, about ten years old, in the possession of Mrs. Rose Cooper, *alias* Porter, (a woman admitted by her counsel to be a common prostitute,) was brought before Judge Duer, of New York City, by a writ of *habeas corpus*, which had been applied for by Charles Trainer, the father of the child, (a free colored man, who had followed the parties from Mobile to New York,) and who desired that the custody of his daughter's person should be granted to him. [June, 1853, and previous.] Judge Duer decided that it was not within his jurisdiction to determine to whom the custody of the child belonged; the Supreme Court of New York must decide that. Judge D. proposed to both parties that the child should be put into his hands, and he would provide a proper person for her care and education, but the woman (Porter) would not consent to this. She evidently designed to train up the child for a life of shame, and perhaps of slavery also. The case was brought by a writ of *habeas corpus*, before Judge Barculo, of the Supreme Court, sitting at Brooklyn. The effort to serve the writ was at first defeated by the notorious New York bully, Captain

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☞ The Slaveholders of Kentucky begin forming associations for mutual protection against loss of runaway slaves. The preamble of the plan of association, proposed at a meeting at Minerva, Kentucky, held in the winter of 1852-53, is as follows:—"Whereas it has become absolutely necessary for the slave-owners of Kentucky to take such steps as will secure their property, we, the citizens of Mason and Bracken counties, do recommend," &c.

Isaiah Rynders, acting, it was said, under the advice of James T. Brady, counsel for Mrs. Porter. For this interference with the law, Rynders and some others were arrested and taken before Judge Barculo, who let them off on their making an apology! The second attempt to serve the writ on the child was more successful. After hearing counsel, Judge Barculo adjudged "that the said Charles Trainer is entitled to the care and custody of said Jane Trainer, and directing her to be delivered to him as her father," &c. In giving his decision, Judge B. said, "It is not to be assumed that a child under fourteen years of age is possessed of sufficient discretion to choose her own guardian; a house of ill-fame is not a suitable place, nor one of its inmates a proper person for the education of such a child." Jane Trainer's mother was afterwards bought from slavery in Mobile, Alabama, and enabled to join her husband and child.

In 1854, Charles Trainer obtained a verdict in King's County Court, New York, for \$775 damages, against Rose Cooper.

[N. B. Though not strictly a case under the Fugitive Slave Law, this is very properly inserted here, as the whole spirit of the woman, of her counsel, and of the means he took to accomplish his base designs, was clearly instigated by that Law, and by the malignant influences it brought into action against the colored people, both slave and free.]

BASIL WHITE, Philadelphia, was summarily surrendered into slavery in Maryland, by United States Commissioner Ingraham, June 1, 1853. He was betrayed into the clutches of the kidnapper Alberti, by a colored man named John Dorsey.

*Two slaves* of Sylvester Singleton, living near Burlington, (Ky.?) escaped and reached Columbus, Ohio; were there overtaken by their master, who secured them and took them back with him. — *Cincinnati Enquirer*.

JOHN FREEMAN, a free colored man, seized in Indianapolis, and claimed as the slave of Pleasant Ellington, a Methodist church-member, (Summer, 1853,) of Missouri. Freeman pledged himself to prove that he was not the person he was alleged to be. The United States Marshal consented to his having time for this, provided he would go to jail, and pay *three dollars a day* for a guard to keep him secure! Bonds to any amount, to secure the marshal against loss, if Freeman could go at large, were rejected. Freeman's counsel went to Georgia, and "after many days returned with a venerable and highly respectable gentleman from Georgia, Mr. Patillo, (post-master of the place where he resides,) who had voluntarily made the long journey for the sole purpose of testifying to his knowledge of Freeman, and that he was well known to be free!" But Freeman was still kept in jail. After several days,

Ellington brought witnessess to prove F. to be his slave. The witnesses, and Liston (counsel for Ellington) wished to have Freeman strip himself, to be examined naked. By advise of his counsel he refused. The marshal took him to his cell, and compelled him to strip. The witnesses then swore that he was Ellington's property. Freeman's counsel produced further evidence that he had been known as a free man *twenty* years. Ellington claimed that he had escaped from him *sixteen* years before. The man who did escape from Ellington, just sixteen years before, was discovered to be living near Malden, Canada. Two of the Kentucky witnesses visited and recognized him. Freeman was then released, but with a large debt upon him, \$1,200, which had grown up by the unusually heavy expenses of his defence and long imprisonment. Freeman brought a suit against Ellington for false imprisonment, laying damages at \$10,000. A verdict for \$2,000 was given in his favor, which was agreed to by Ellington's counsel. — *Indiana Free Democrat*, May, 1854.

*Three slaves*, two men and a girl, fled from near Maysville, Kentucky, into Ohio. Were pursued by their owners and assistants, five men armed, and were overtaken, says the *Maysville Weekly Express*, "at the bridge over Rattlesnake Creek, on the Petersburg and Greenfield road, about ten o'clock at night," the slaves being armed, and accompanied by a white man. Both parties fired, the negro girl was wounded, but still fled; one of the negro men was also wounded, and, says the *Maysville paper*, they "were tracked a mile and a half by the blood." The other slave was secured and taken back to Kentucky, "much bruised and cut in the affray." "The white man," says the same paper, "was also caught and beaten in a very severe manner with a club, and strong hopes are entertained that he will die." — *Wilmington (Ohio) Republican*, July 22, 1853.

*A colored girl*, between four and five years old, suddenly disappeared from Providence, R. I., July 13, 1853; at the same time, a mulatto woman, who had been heard to make inquiries about the child, was missing also. Believed to be a case of kidnapping.

*A negro boy*, says the *Memphis Inquirer*, "left his owner in this city," and went on board the steamboat *Aurilla Wood*, bound for Cincinnati. By a telegraphic message he was intercepted, taken from the boat at Cairo, Illinois, and taken back to Memphis. (Summer, 1853.)

GEORGE W. MCQUERRY, *Cincinnati, Ohio*. A colored man, who had resided three or four years in Ohio, and married a free woman, by whom he had three children, was remanded to slavery by Judge McLean, (August, 1853.) The man was taken by the United States Marshal, with a posse, across the river to Covington, Kentucky, and there delivered to his master!

*Two men kidnapped* from Chicago, and taken to St. Louis. See *Chicago Tribune*, quoted in *Standard*, Aug. 27, 1853.

*Three Slaves taken by Habeas Corpus*, from steamboat Tropic, and brought before Judge Flinn, at Cincinnati, August, 1853. The woman Hannah expressed a wish to return to her master in the boat. Judge Flinn ordered her into the custody of the claimants without investigation. Judge F. asked Hannah if she had the custody of the child Susan, to which she answered that she had. Whereupon the Judge also ordered her back into the custody of the claimants, without examination. Mr. Jolliffe protested against ordering the child back without examination. The Court said they would take the responsibility. The examination then proceeded in the case of the man Edward. It appeared that they were purchased in Virginia, to be conveyed to Mississippi. The boat stopped at Cincinnati, and the slaves were twice taken by the agent of the owners on shore, and upon the territory of Ohio. Mr. Jolliffe commenced his argument at 7, P. M., and argued that the slaves, being brought by their owners upon free territory, were legally free. Mr. J., before finishing, was taken ill, and obliged to leave the court-room; he first begged the Court to adjourn until morning, which was refused by Judge Flinn. Judge Keys said the Ohio river was a highway for all States bordering on it, whose citizens had a right also to use the adjacent shores for purposes necessary to navigation. Mr. Zinn stated that Mr. Jolliffe had been obliged to retire, in consequence of illness, and had requested him to urge the Court to continue the case. Judge Flinn said — "The case will be decided to-night; that is decided on. We have not been sitting here four or five hours to determine whether we will decide the case or not. It will be decided, and you may come up to it sideways or square; or any way you please; you must come to it." Mr. Zinn said he was not going to argue. He had made the request out of courtesy to a professional brother. He doubted the power of the Court to deliver the boy into slavery. Judge Flinn said — "I do not wish to hear any arguments of that nature." The man was then ordered to be taken by the Sheriff, and delivered to claimant on board the boat, — which was done. — *Cincinnati Gazette*, 27th August, 1853.

PATRICK SNEED, a colored waiter in the Cataract House, Niagara Falls, arrested on the pretended charge of murder committed in Savannah, Georgia. He was brought, by *Habeas Corpus*, before Judge Sheldon, at Buffalo, (September, 1853,) and by him ordered to be "fully discharged."

BILL, [or WILLIAM THOMAS,] a colored waiter at the Phenix Hotel, Wilkesbarre, Penn., described as a "tall, noble-looking, intelligent, and active mulatto, nearly white," was attacked by "Deputy Marshal Wynkoop," Sept. 3, 1853, and four other persons, (three of them from Virginia.) These men came "suddenly, from behind, knocked him down with a mace, and partially shackled him." He struggled hard against the five, shook them off, and with the handcuff, which had been secured to his right



wrist only, "inflicted some hard wounds on the countenances" of his assailants. Covered with blood, he broke from them, rushed from the house, and plunged in the river close by, exclaiming, "I will be drowned rather than taken alive." He was pursued, fired upon repeatedly, ordered to come out of the water, where he stood immersed to his neck, or "they would blow his brains out." He replied, "I will die first." They then deliberately fired at him four or five different times, the last ball supposed to have struck on his head, for his face was instantly covered with blood, and he sprang up and shrieked. The by-standers began to cry "shame" and the kidnappers retired a short distance for consultation. Bill came out of the water and lay down on the shore. His pursuers, supposing him dying, said, "Dead niggers are not worth taking South." Some one brought and put on him a pair of pantaloons. He was helped to his feet by a colored man named Rex; on seeing which, Wynkoop and party headed him and presented their revolvers, when BILL again ran into the river, "where he remained upwards of an hour, nothing but his head above water, covered with blood, and in full view of hundreds who lined the banks." His claimants dared not follow him into the water, for, as he said afterward, "he would have died contented, could he have carried two or three of them down with him." Preparations [rather slow! it would appear,] were made to arrest the murderous gang, but they had departed from the place. BILL then waded some distance up the stream, and "was found by some women flat on his face in a corn-field. They carried him to a place of safety, dressed his wounds," and the suffering man was seen no more in Wilkesbarre. —*Correspondence of New York Tribune.*

Wynkoop and another were afterwards arrested in Philadelphia, on a charge of riot, the warrant issuing from a State magistrate of Wilkesbarre, on the complaint of William C. Gildersleeve, of that place. Mr. Jackson, the constable who held them in custody, was brought before Judge Grier, of the United States Supreme Court, by *habeas corpus*. Judge Grier, during the examination, said:—

"I will not have the officers of the United States harassed at every step in the performance of their duties by every petty magistrate who chooses to harass them, or by any unprincipled interloper who chooses to make complaints against them—for I know something of the man who makes this complaint." "If this man Gildersleeve fails to make out the facts set forth in the warrant of arrest, I will request the Prosecuting Attorney of Luzerne County to prosecute him for perjury. \* \* \* If any tuppenny magistrate, or any unprincipled interloper can come in, and cause to be arrested the officers of the United States, whenever they please, it is a sad affair. \* \* \* If *habeas corpus* are to be taken out after that manner, I will have an indictment sent to the United



States Grand Jury against the person who applies for the writ, or assists in getting it, the lawyer who defends it, and the sheriff who serves the writ. \* \* \* I will see that my officers are protected." On a subsequent day, Judge Grier gave an elaborate opinion, reciting the facts in the case, *as stated by the prisoners*, and ordering them to be *discharged!* He said:—"We are unable to perceive, in this transaction, anything worthy of blame in the conduct of these officers in their unsuccessful endeavors to fulfil a most dangerous and disgusting duty; except, perhaps, a want of sufficient courage and perseverance in the attempt to execute the writ!"

Wynkoop and the other were discharged by Judge Kane on the ground that they did only what their duty, under the Law, required. (May, 1854.)

A family of colored persons, at Uniontown, Pa., were claimed as slaves by a man in Virginia. They admitted that they had been his slaves, but declared that they had come into Pennsylvania with their master's consent and knowledge, on a visit to some friends in Fayette County, and were not, therefore, *fugitives*. This was overruled, and the negroes were sent back by a United States Commissioner, name not given. (September, 1853.) \*—*Pittsburgh Saturday Visiter*.

A desperate fight between a party of four fugitives and about double the number of whites, took place in Carroll County, Maryland. Four white men shot—none dangerously. Two of the slaves wounded, one severely. They were captured. (October, 1853.)—*Westminster (Md.) Democrat*.

Washington, Indiana. In April, 1853, GEORGE, a negro man, was arrested and claimed by a Mr. Rice, of Kentucky, as his slave. Judge Clemens ordered his surrender to Rice, who took him to Louisville, and there sold him to a slave-trader, who took him to Memphis, Tennessee. Here a man from Mississippi claimed that George was *his* slave, obtained a writ of replevin, and took possession of him.

JOSHUA GLOVER, colored man, claimed as the slave of B. S. Garland, of St. Louis County, Missouri, was arrested near Racine, Wisconsin, about the 10th of March, 1854. Arrest made by five men, who burst suddenly into his shanty, put a pistol to his head, felled him to the ground, handcuffed him, and took him in a wagon to Milwaukee jail, a distance of twenty-five miles. They swore that if he shouted or made the least noise, they would kill him instantly. When visited, says the *Milwaukee Sentinel*, "We

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
\* A correspondent of the *New York Evening Post*, writing from Columbus, Ohio, September 1, 1853, states that a very large number of fugitive slaves are continually passing through that State; that they are generally armed; and that they find increasing sympathy among the people on the road, and the boatmen on the lakes.

found him in his cell. He was cut in two places on the head; the front of his shirt and vest were soaking and stiff with his own blood." A writ of *habeas corpus* was immediately issued; also a warrant for the arrest of the five men who assaulted and beat him in his shanty. Thousands of people collected around the jail and court-house, "the excitement being intense." A vigilance committee of twenty-five persons was appointed to watch the jail at night, and see that Glover was not secretly taken away. The next day, at about five o'clock, P. M., a considerable accession of persons being made to the crowd, and it appearing that every attempt to save Glover by the laws of Wisconsin had been overruled by United States Judge Miller, a demand was made for the man. This being refused, an attack was made upon the door with axes, planks, &c. It was broken in, the inner door and wall broken through, and Glover taken from his keepers, brought out, placed in a wagon, and driven off at great speed.

S. M. Booth, editor of the *Milwaukee Free Democrat*, Charles Clement, of the *Racine Advocate*, W. H. Waterman, and George S. Wright were arrested for aiding and abetting the rescue of Glover. Booth was subsequently discharged by the Supreme Court of Wisconsin, on the ground that the Fugitive Slave Law is unconstitutional. He was, however, re-arrested, and held to answer in the United States Courts, on the same charge; the offered bail was refused, and he was lodged in jail. The case was subsequently tried before the District Court of the United States, at Milwaukee, on the question as to the right of a State judiciary to release prisoners under a writ of *habeas corpus*, who may be in the lawful custody of United States officers; and also to determine the constitutionality of the Fugitive Slave Law. (*Washington Star*, September 20, 1854.) The Attorney General, Caleb Cushing, made himself very active in pushing forward this case. Mr. Booth, early in 1855, was fined one thousand dollars and sentenced to one month's imprisonment. John Rycraft, for same offence, was sentenced in a fine of two hundred dollars and imprisonment for ten days. All for acts such as Christianity and Humanity enjoin. On a writ of *habeas corpus*, Messrs. Booth and Rycraft were taken before the Wisconsin Supreme Court, sitting at Madison, and discharged from imprisonment. This, however, did not relieve them from the fines imposed by the United States Court. The owner of the slave brought a civil suit against Mr. Booth, claiming \$1,000 damages for the loss of his slave. Judge Miller decided, July, 1855, that the \$1,000 must be paid.

EDWARD DAVIS, March, 1854. As the steamboat Keystone State, Captain Hardie, from Savannah, was entering Delaware Bay, bound to Philadelphia, the men engaged in heaving the lead heard a voice from under the guards of the boat, calling for help. A rope was thrown, and a man caught it and was drawn into the boat in a greatly exhausted state. He had remained in that place from the time of leaving Savannah, the water frequently sweeping

over him. Some bread in his pocket was saturated with salt water and dissolved to a pulp. The captain ordered the vessel to be put in to Newcastle, Delaware, where the fugitive, hardly able to stand, was taken on shore and put in jail, to await the orders of his owner, in Savannah. DAVIS claimed to be a free man, and a native of Philadelphia, and described many localities there. Before Judge Bradford, at Newcastle, Davis's freedom was fully proved, and he was discharged. He was again arrested and placed in jail on the oath of Captain Hardie, that he believed him to be a fugitive slave and a fugitive from justice. After some weeks' delay, he was brought to trial before United States Commissioner Samuel Guthrie, who ordered him to be delivered up to his claimant on the ground that he was legally a slave, though free-born. It appeared in evidence that Davis had formerly gone from Pennsylvania to reside in Maryland, contrary to the laws of that State, which forbid free colored persons from other States to come there to reside; and being unable to pay the fine imposed for this offence (!) by the Orphan's (!) Court of Harford County, was committed to jail and sold as a slave for life, by Robert McGaw, Sheriff of the County, to Dr. John G. Archer, of Louisiana, from whom he was sold to B. M. Campbell, who sold him to William A. Dean, of Macon, Georgia, the present claimant. Thus a free-born citizen of Pennsylvania was consigned, *by law*, to slavery for life.

[ In May, 1854, the Kansas-Nebraska Bill was enacted.]

ANTHONY BURNS, arrested in Boston, May 24, 1854, as the slave of Charles F. Suttle, of Alexandria, Virginia, who was present to claim him, accompanied by a witness from Richmond, Virginia, named William Brent. Burns was arrested on a warrant granted by United States Commissioner Edward Greeley Loring, taken to the court-house in Boston, ironed, and placed in an upper story room under a strong guard. The hearing commenced the next morning before Mr. Loring, but was adjourned until Saturday, May 27, to give the counsel for A. Burns time to examine the case. On Friday evening, (26th,) an attack was made upon the court-house by a body of men, with the evident design of rescuing Burns; a door was forced in, and one of the marshal's special guard, (named Batchelder,) was killed, whether by the assailants or by one of his own party is uncertain, it being quite dark; upon the cry of Batchelder that he was killed, the attacking party retreated and made no further attempt. The trial of the case proceeded on Saturday, again on Monday, Tuesday, and Wednesday, when the Commissioner said he would give his decision on Friday. During the trial, Burns was continually surrounded by a numerous body-guard, (said to be at least one hundred and twenty-five men,) selected by Watson Freeman, United States Marshal, from the vilest sinks of scoundrelism, corruption, and crime in the city, to be Deputy Marshals for the occasion. These men, with

every form of loathsome impurity and hardened villainy stamped upon their faces, sat constantly around the prisoner while in the court-room, the handles of pistols and revolvers visibly protruding from their breast pockets. A company of United States troops, from the Navy Yard, occupied the court-house, and guarded all avenues to the United States court-room. The testimony of numerous highly respectable witnesses was adduced to show that Anthony Burns was in Boston a month earlier than the time at which he was said to have left Richmond. R. H. Dana, Jr. and Charles M. Ellis, counsel for Burns, made very eloquent and able arguments in his behalf. Seth J. Thomas and E. G. Parker were the counsel for Suttle, the case being constantly watched and aided by the United States District Attorney, Benjamin F. Hallett, who was in regular telegraphic communication with the President of the United States, (F. Pierce,) at Washington. An effort was made, and followed up with much patience, to buy Burns's freedom, Suttle having offered to sell him for \$1,200. The money was raised and tendered to Suttle, when difficulties were interposed, especially by Mr. Attorney Hallett, and the attempt failed. Suttle afterwards declared he would not sell Burns for any sum, but that he should go back to Virginia. On Friday morning, June 2d, Commissioner Loring gave his decision, overriding all the testimony in Burns's favor, using certain expressions which fell from Burns in the first heat and confusion of his arrest, as testimony against him, and concluding with ordering him to be delivered up to the claimant. Some four hours were consumed in getting Court Street, State Street, &c., in a state of readiness for the removal of the prisoner. A regiment of Massachusetts Infantry had been posted on Boston Common, under command of Col. Benjamin Franklin (!) Edmands, from an early hour of the day, in anticipation of the Commissioner's decision. These troops, which had been called out by the Mayor, Jerome V. C. Smith, were marched to the scene of the kidnapping, and so placed as to guard every street, lane, and other avenue leading to State Street, &c., the route through which the slave procession was to pass. No individual was suffered to pass within these guards; but acts of violence were committed by them on several individuals. Court Square was occupied by two companies of United States troops, (chiefly Irishmen,) and a large field-piece was drawn into the centre. All preparations being made, Watson Freeman (United States Marshal) issued forth from the court-house with his prisoner, who walked with a firm step, surrounded by the body-guard of criminals before mentioned, with drawn United States sabres in their hands, and followed by United States troops with the aforesaid piece of artillery. Preceded by a company of Massachusetts mounted troops, under command of Colonel Isaac H. Wright, this infamous procession took its way down Court Street, State Street, and Commerce Street, (for the proprietors of Long Wharf refused to allow them to march upon their premises, though a public highway in all ordinary cases,) to the T Wharf, where the prisoner was taken on board a steam tow-



boat, and conveyed down the harbor to the United States Revenue Cutter Morris; in which he was transported to Virginia.

It may not be amiss to have given, in a single instance, this somewhat detailed account of the process of seizing, trying, and delivering up a man into slavery, whose only crime was that he had fled from a bondage "one hour of which is fraught with more misery than ages of that which our fathers rose in rebellion to throw off," Thomas Jefferson, the Virginian slaveholder, himself being witness.

Anthony Burns, having been sold into North Carolina, was afterwards purchased with money subscribed in Boston and vicinity, for the purpose, and returned to Boston.

The *illegality* of the Mayor's conduct in ordering out the military, and giving to the Colonel of the regiment the entire control of the same, was fully shown by different and highly competent writers, among whom was P. W. Chandler, Esq., whose two articles, in the *Boston Advertiser*, deserve to be remembered with respect. The Mayor's excuse was that he desired to *keep the peace*. But these Massachusetts troops received pay for their day's work from the United States Government! Judge HOAR, in a charge to the Grand Jury, declared the act of the Mayor, in calling out the militia, to be an infraction of law.

STEPHEN PEMBROKE, and his two sons, *Robert* and *Jacob*, 19 and 17 years of age, were arrested in New York almost simultaneously with the seizure of Burns in Boston; claimed as the slaves of David Smith and Jacob H. Grove, of Sharpsburg, Washington County, Maryland. They escaped May 1st, and came to New York, followed closely by their masters, who discovered their retreat in Thompson Street, and pounced upon them by night. At 8½ o'clock, next morning, they were taken before United States Commissioner G. W. Morton, "where the case came up for the most summary and hasty hearing that has ever characterized our judicial proceedings." Dunning and Smith were counsel for the masters, but the fugitives had no counsel; and the hearing was finished, and a warrant granted to the slave claimants before the matter became known in the city. When Mr. Jay and Mr. Culver hastened to the court-room to offer their services to the prisoners, as counsel, they were assured by officers, and by *Commissioner Morton himself*, that the men wanted no counsel, and were not in the building. On search, however, it was found they were in the building, locked up in a room. They said they desired counsel and the aid of friends. A writ of *habeas corpus* was obtained, but before it could be served the three men had been removed from the State, and were on their way to Baltimore. [See the published Card of E. D. CULVER, Esq.] Stephen Pembroke was the brother, and his sons the nephews of Rev. Dr. Pennington, of New York City, Pastor of a Presbyterian (colored) Church. Stephen Pembroke was purchased and brought back to New York, (\$1,000 having been contributed for that purpose,) and related his experi-



ence of the slave's life, at a public meeting, held in the Broadway Tabernacle, July 17, 1854. His sons had been sold, and remained in slavery.

JAMES COTES, free man of color, residing in Gibson County, Indiana, went to Jeffersonville, (Ind.,) to take the cars for Indianapolis. On going to the depot, at 6, A. M., for the morning train, he was knocked down, "beat over the head with a brick-bat, and cut with a bowie-knife, until subdued. He was then tied, and in open daylight in full view of our populace, borne off bleeding like a hog." He was undoubtedly taken to the jail, in Louisville. On crossing the river to Louisville he met the captain of a steamboat, who knew him to be a free man. (About June 1, 1854.) The kidnapper was arrested and held to bail in the sum of \$1,000, to take his trial at next Circuit Court.

*Near Cedarville, Ohio, May 25, 1854, about noon, "a colored man, of middle age and respectable appearance, was walking on the Columbus and Xenia turnpike. He was alone. A man in a buggy overtook him, and invited him to ride, saying he was a friend to the colored man, and promising to assist him in obtaining his liberty." He took the colored man to the house of one Chapman, "three miles south of Selma, in Greene county." There Chapman and the other, (whose name was William McCord,) fell upon the colored man, struck him with a *colt* upon the head, so that he bled severely, and bound his hands behind him. "Soon after the negro got loose and ran down the road; McCord ran after him, crying 'Catch the d——d horse thief,' &c., Chapman and his son following; negro picked up a stone, the man a club and struck him on the head, so that he did not throw the stone. He was then tied, and helped by McCord and Chapman to walk to the buggy. McCord asked Chapman, the son, to accompany him to Cincinnati with the colored man, promising to give him half the reward (\$200) if he would. They then started, driving very fast." "We had not gone over two or three miles," said Chapman, "before the negro died, and after taking him two or three miles further, put him out, and left him as now discovered," — viz. in a thick wood, one mile south of Clifton. The above facts are taken from the testimony given at the coroner's inquest over the body. "The jury gave in substance the following verdict: — Deceased came to his death by blows from a colt and club in the hands of one William McCord, assisted by the two Chapmans." Chapman, the son, said that McCord made him a proposition to join and follow kidnapping for a business, stating that he knew where he could get four victims immediately. McCord was taken and lodged in Xenia jail. The Chapmans bound over to take their trial for kidnapping. — *Wilmington (Ohio) Herald of Freedom.**

*Columbus, Indiana.* A Kentuckian endeavored to entice a little negro boy to go with him, and both were waiting to take the cars, when mischief was suspected, and a crowd of people proceeded to

the depot, and made the kidnapper release his intended victim. (June, 1854.) — *Indiana Free Democrat*.

— BROWN, a resident of Henderson, Kentucky, was arrested for aiding four female slaves to escape from Union County, Kentucky, to Canada. United States Marshal Ward and Sheriff Gavitt, of Indiana, made the arrest. He was lodged in Henderson jail. — *Evansville (Ind.) Journal*, June 2, 1854.

Several Kentucky planters, among them Archibald Dixon, raised \$500 in order to secure Brown's conviction and sentence to penitentiary.

Nine slaves left their masters in Boone County, Kentucky, on Sunday, June 11, 1854, having three horses with them. Arrived at the river, they turned the horses back, and taking a skiff crossed at midnight to the Ohio shore. After travelling two or three miles, they hid during Monday in a clump of bushes. At night they started northward again. A man, named John Gyser, met them and promised to assist them. He took them to a stable, where they were to remain until night. He immediately went to Covington, Kentucky, learned that \$1,000 reward was offered for their apprehension, and gave information of their place of concealment. At evening a strong band of Kentuckians, with United States Deputy Marshal George Thayer, assisted by three Cincinnati officers, surrounded the stable and took the nine prisoners, on a warrant issued by United States Commissioner Pendery. They were all given up to their claimants, and taken back to Kentucky.

A New Orleans correspondent of the *New York Tribune*, in a letter dated July 3, 1854, writes, "During a recent trip up the river I was on several steamers, and on every boat they had one or more runaway slaves, who had been caught and were being taken in irons to their masters."

On the Steamer *Alvin Adams*, at Madison, Indiana, a man was arrested as a fugitive and taken to Louisville, Kentucky. He was claimed as the slave of John H. Page, of Bowling Green. The *Louisville Journal*, edited by a Northern man, stigmatised him as a "rascal," for his attempt to be free. (July, 1854.)

Two colored men, on their way to Chicago, were seized and taken from the cars at Lasalle, Illinois, by three men, who said they were

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☞ The case of SOLOMON NORTHUP, though not under the Fugitive Law, is so striking an illustration of the power which created that law, and of the constant danger which impends over every colored citizen of the Northern States, fast threatening to include white citizens also, that it must not be passed over without mention. He was kidnapped in 1841, from the State of New York, and kept in slavery twelve years. Two men, named Merrill and Russell, were arrested and tried as his kidnappers, and the fact fully proven. But the case was got into the United States Courts, and the criminals went unpunished.

not officers. The colored men were known to be free; one was "a respectable resident of Chicago." Some of the passengers interfered; but it being night, and very dark, and the cars starting on, the colored men were left in the hands of their kidnappers.

*Chicago, Illinois.* Three men from Missouri, with a warrant from the Governor of that State, to take a certain fugitive slave, seized a man whom they met in the street, bound him with a handkerchief, and to quicken his steps beat him with the butt of a pistol. He succeeded in shaking off his captors and fled, a pistol-bullet being sent after him, which did not hit him. He made good his escape. The men were arrested and held to trial for assault with deadly weapons. By an extraordinary conspiracy on the part of District Attorney Hoynes, Sheriff Bradley, and others, these men were taken from jail to be carried to Springfield, Illinois, two hundred miles distant, to appear before Chief Justice Treat, that he might inquire "whether said alleged kidnappers were justly held to bail and imprisoned." It was so suddenly done that the counsel for the kidnapped man and for the State of Illinois had not time to reach Springfield before the men were discharged and on their way to Missouri! The Grand Jury of the County (in which Chicago is) had found a true bill against them, of which the Sheriff professed to be ignorant, (which was deemed hardly possible,)—under which bill they would probably have been convicted and sentenced to the State Prison. Thus the omnipotent Slave Power reaches forth its hand into our most Northern cities, and saves its minions from the punishment which their lawless acts have justly merited. — *Chicago Daily Tribune*, Sept. 21, 1854.

☞ The three kidnappers published a statement in the *St. Louis Republican* of September 26.

HENRY MASSEY, at Philadelphia, September, 1854, was brought before United States Commissioner E. D. Ingraham, claimed by Franklin Bright, of Queen Anne's County, Maryland, as his slave. Arrested in Harrisburg.

HARVEY, arrested near Cumminsville, Ohio, — escaped, — taken again in Goshen, about ten miles from Cincinnati, and lodged in the jail of that city. An investigation of the case was had before United States Commissioner Pendery, and the slave remanded to the custody of his master. — *Cincinnati Commercial*, September 22, 1854.

*Byberry, Pennsylvania, September 18, 1854.* A carriage load of suspicious looking men came to this place in the afternoon. They waited until nightfall, when they burst into the house of a colored family, "seized the man in presence of his wife and another woman, threatening to shoot them if they interfered—dragged him out, beating him over the head with a mace. The poor fellow continued to scream for help until his voice was stifled by his groans; they forced him into their carriage and drove off, before

any effectual assistance could be offered." He was a sober and industrious man, and much respected. His wife was left heart-broken, with one child. — *Norristown (Pa.) Olive Branch.*


*The Frankfort (Ky.) Yeoman*, of November 18, 1854, said:—"Kidnapping free negroes in Ohio, and deluding our slaves from their masters to recapture and sell them, is an established profession of a gang located upon the borders of the Ohio River, combining with negro-traders in the interior of this State." The names of some employed in this business are given, two of whom, having been arrested and imprisoned, threatened to burn the city of Frankfort for interrupting their business.

JANE MOORE, a free colored woman, at Cincinnati, November, 1854, seized in the house of her sister, (Sycamore Street,) beaten, and with the help of a deputy marshal from Covington, Kentucky, carried over to Covington, and lodged in jail, on pretence of her being a fugitive slave. She was taken before the Mayor of Covington, "who heard the case with impartiality." Her freedom was established, and she released.

*At Indianapolis, Indiana, December, 1854*, Benjamin B. Waterhouse was indicted for harboring fugitive slaves, contrary to the provisions of the Fugitive Law. He was found guilty, but the jury recommended him "to the favorable consideration of the Court, and stated that the evidence was barely sufficient to convict." He was fined fifty dollars and to be imprisoned one hour, and the government to pay the costs. — *Chicago Tribune.*

*A Proposition for Kidnapping*, on a large scale, was made by John H. Pope, "police officer and constable," in a letter dated "Frederick, Maryland, United States of America, January 1, 1855," and addressed to Mr. Hays, Sheriff of Montreal, Canada. "Vast numbers of slaves," says Mr. Pope, "escaping from their masters or owners, succeed in reaching your Provinces, and are, therefore, without the pale of the 'Fugitive Slave Law,' and can only be restored by cunning, together with skill. Large rewards are offered and will be paid for their return, and could I find an efficient person to act with me, a great deal of money could be made, as I would equally divide. \* \* \* The only apprehension we have in approaching too far into Canada is the fear of being arrested; and had I a good assistant in your city, who would induce the negroes to the frontier, I would be there to pay the cash. On your answer, I can furnish names and descriptions of negroes."

This letter was published, doubtless at the Montreal Sheriff's request, in the *Montreal Gazette*, January 13, 1855.

 The *Montreal Gazette*, of February 3, published a second letter from J. H. Pope.

*A warrant was issued in Boston, January 10, 1855*, by United States Commissioner Charles Levi Woodbury, for the arrest of



JOHN JACKSON, as a fugitive from service and labor in Georgia. Mr. Jackson, who had been for some time in the city, was nowhere to be found.

ROSETTA ARMSTEAD, a colored girl, was taken by writ of *habeas corpus* before Judge Jamison, at Columbus, Ohio. Rosetta formerly belonged to Ex-President John Tyler, who gave her to his daughter, the wife of Rev. Henry M. Dennison, an Episcopal clergyman of Louisville, Kentucky. Mrs. D. having deceased, Rosetta was to be sent back to Virginia in care of an infant child, both being placed in charge of a Dr. Miller, a friend of Mr. Dennison. Passing through Ohio, the above writ was obtained. Rosetta expressed her desire to remain in freedom in Ohio. The case was removed to Cincinnati, and was delayed until Mr. Dennison could arrive from Louisville. (*Ohio State Journal*, March 12, 1855.) The girl was set free; "but was again arrested by the United States Marshal upon the same warrant which Judge Parker had declared illegal; thereupon another *habeas corpus* was issued, which the Marshal refused to obey; when he was fined \$50, and imprisoned for contempt." Even United States Commissioner Pendery, before whom the case was brought as that of a fugitive slave, pronounced the girl free, and she was placed in the care of a guardian. The United States Marshal being taken by *habeas corpus* before Judge McLean, of the United States Supreme Court, was set at liberty, Judge McL. alleging that the proceedings in the State Court were null and void!

GEORGE CLARK, a colored boy, eighteen years of age, in Pennsylvania, was decoyed into the house of one Thompson, (February 23, 1855,) where he was seized by three men, one of whom was Solomon Snyders, a well known ruffian and kidnapper in the neighborhood, who said to him, "Now, George, I am going to take you to your master." The screams of George fortunately brought deliverance to him. The three men were arrested, tried, and sentenced to imprisonment for kidnapping, by the Court of Dauphin County. — *Norristown (Penn.) Olive Branch*.

*The Norristown (Penn.) Olive Branch*, (in connection with the last named case,) speaks of a case which had occurred a short time before, under the Fugitive Law, before United States Commissioner McAllister, at Harrisburg, Pennsylvania, and which has not yet been mentioned in this record. A colored man and his wife, with their infant child, were taken, "one morning, very early," before Commissioner Richard McAllister, and before any counsel could reach the spot the case had been decided against the man and woman; but the babe, having been born in Pennsylvania, they did not "dare to send that" into slavery; "so the only alternative was to take it away from its mother," which was done, and that evening the man and woman were taken South. No time had been allowed to bring forward witnesses in their behalf, and there was only a single witness against them, and he a boy about seventeen years old, and a relative of the slave-claimant. The woman's



sufferings, on account of the separation from her child, seemed greater than for her own fate. The article from the Norristown paper is in the *National Anti-Slavery Standard*, June 2, 1855.

GEORGE MITCHELL, a young colored man, at San Jose, California, arrested and taken before Justice Allen, April, 1855, "charged with owing service and labor to one Jesse C. Cooper, of Tennessee." Mitchell was brought into California by his then owner, in 1849, the year before the enactment of the Fugitive Slave Law. His arrest was made under a Fugitive Slave Law of California. By *habeas corpus* the case was carried before Judge C. P. Hester, of the District Court. Mitchell was discharged on the ground (we believe) that the California Law was unconstitutional; also that the proceedings were "absolutely void." On the 21st April (or May) "another attempt was made to reduce George to slavery at San Francisco." He was brought before the United States District Court, Judge Hoffman presiding, claimed under the United States Fugitive Law as the property of the above-named Cooper. [The result of the trial not known.] — *San Jose Telegraph*.

At *Dayville, Connecticut*, June 13, 1855, an attempt was made to seize a fugitive slave; "but the citizens interfered and the fugitive escaped." He was claimed by a resident of Pomfret, who said he had bought him in Cuba. — *Hartford Religious Herald*.

At *Burlington, Iowa*, a colored man, called DICK, was arrested and taken before United States Commissioner Frazee. "Much excitement was caused." He was claimed as belonging to Thomas Ruthford, Clark County, Missouri. Dick was discharged as not being the man claimed. (June, 1855.)

A white girl, fourteen years of age, daughter of Mr. Samuel Godshall, of Downingtown, Chester County, Pennsylvania, while walking upon the road, was seized by two men, a plaster put upon her mouth, and she taken in a close carriage in the direction of Maryland. After going twelve miles, they put her out of the carriage, "in a secluded and woody portion of the country, threatening to kill her if she made any alarm, when they drove away as fast as they could." Some colored people met her, got the plaster off her mouth, and aided her home. It was supposed the kidnappers mistook her for a mulatto girl; but discovering their blunder dismissed her. — *Philadelphia Ledger*, July 9, 1855.

The *Norristown (Penn.) Herald* relates a case similar to the preceding. Benjamin Johnson, a white lad of fifteen, on his way from his father's, at Evansburg, to S. Jarrett's, near Jeffersonville, was invited to ride by a man in a carriage. The man took him by an unusual route; night coming on, the boy was alarmed and attempted to escape, "when the villain caught him and drove off at full speed, and by threats and blows prevented him from making any alarm." He drove to a distance of fifteen miles beyond Jeffersonville, when the boy succeeded in making his escape. (July, 1855.)

JANE JOHNSON, and her two sons, (colored,) brought into Philadelphia (on their way to New York and thence to Nicaragua) by John H. Wheeler. Stopped to dine at Bloodgood's Hotel. Jane there made known her desire to be free. Information of the same was conveyed to Passmore Williamson, Secretary of the Pennsylvania Abolition Society, an old association founded by Benjamin Franklin, Benjamin Rush, and others. Mr. Williamson went to the hotel, and found that the party had gone to the steamboat, at the foot of Walnut Street. He proceeded thither, found them, and told the mother that she and her sons had been legally made free by being brought by their master into a free State. After some delay, Jane rose to leave the boat. Wheeler endeavored to detain her. Williamson held Wheeler back, and the woman went on shore, a number of colored persons taking up the boys and carrying them from the boat. They were enabled to escape. (July 18, 1855.)

The celebrated case of PASSMORE WILLIAMSON followed, before Judge Kane, of the United States District Court. (See "Case of Passmore Williamson," reported in full, and published in Philadelphia, by Uriah Hunt & Son, 1856.) On the 27th July, Mr. Williamson was committed to Moyamensing Prison, by Judge Kane, "for a contempt of the court in refusing to answer to the writ of *habeas corpus*;" Mr. W. *having answered* that he had not, and never had had, the custody of the three alleged slaves, and therefore could not produce them in court. Mr. Williamson was kept in prison until November 3d, when he was discharged by Judge Kane, the technical "contempt" having been removed.

CELESTE, a mulatto woman, claimed as a slave, before Judge Burgoyne, Cincinnati, Ohio. It appeared that she was brought to Cincinnati by her master, and she was set free. — *Cincinnati Gazette*, July 7, 1855.

Two fugitives, in Indiana, (September, 1855,) requested aid of the conductor of the Madison and Indianapolis Railroad. The aid given was to take them back to Madison, whence they were conveyed over the river to Kentucky. Before leaving that State they had been hunted and attacked by dogs. These they had despatched with their knives. The conductor was dismissed from his position. An agent of the express company was said to have aided him in the surrender of the men. — *Madison Courier*.

JACK, a colored boy, nine years of age, "claimed by Joseph Tucker, of Mobile, as his slave, was sent back to his master from Boston, in the brig Selma, Captain Rogers, on the 18th inst." (October, 1855.) — *Boston Times*.

JACOB GREEN, a colored man, was seized near Hollidaysburg, Pennsylvania, by one Parsons, as a fugitive slave. Parsons could show no authority for detaining Green, who, with the help of some bystanders, released himself and escaped. — *Hollidaysburg Standard*, October 24, 1855.

*Four men indicted for kidnapping at Greensburg, Indiana, in the Spring of 1855.* Their names — David and Thomas Maple, Morrison, and McCloskey. Charged with kidnapping two men, whom they conveyed to a slave state, and sold as slaves. The two Maples, fearing the indictment, absconded. The other two were arrested, and brought to trial in October, 1855, at the State Court, before Judge Logan. "Defendants' counsel moved to quash the indictment, for the reason that the section of the statute of Indiana against kidnapping was in violation of the acts of Congress, and, therefore, void; and the Court accordingly quashed the indictment!" — *Indianapolis Journal*.

*Eight fugitives from Kentucky* reached Adams County, Ohio, closely followed by several Kentuckians, who attempted to search the houses of several of the citizens. "The people, indignant at this outrage, assembled with arms, and placed an injunction upon these summary proceedings." "The men-hunters then offered \$2,000 to any traitor who would betray the fugitives into their hands. But, so far as we have learned, the bribe was as unsuccessful as the attempted search." (November, 1855.) — *Carroll Free Press*.


*At Wilson's Corner, Bensalem, Buck's County, Pa., Dec. 13, 1855,* a colored man in the employ of John Henderson was seized by three men, who tied him, threw him into a wagon, and drove off at full speed. They were seen, and quickly followed by men on horseback. After two hours' hard riding, the kidnappers were overtaken. A fight ensued — the black man was released; when three pistol-shots were fired by the kidnappers, killing a horse, and wounding one of the rescuing party severely. A statement of the facts was published, as an advertisement, in the *Philadelphia Ledger*, signed by William Williams and John Henderson.

"Two very bright mulatto girls," says the *Staunton (Va.) Spectator*, "one belonging to Mr. John Churchman, and the other to the estate of Colonel Crawford, deceased, took the cars at Staunton, on the morning of December 30, 1855, and made their way successfully to Baltimore, en route for a free State. At Baltimore they were detected just as they were about to take the train for Philadelphia, and information of their arrest was immediately forwarded to D. Churchman, of this place." On the following Friday they were taken back to Virginia. "They were so nearly white that their success in imposing upon the conductors of the cars is not astonishing, and the only wonder is that they were detected at all. Since their return, the negro girls have been sold — Mr. Churchman's for \$1,050, and the other for \$950."

FANNY, a colored child of five years old, was taken from Chicago, Illinois, into Tennessee, and sold for \$250. A man named F. M. Chapman, with his servant William R. Tracy, were arrested as the kidnappers, and taken before Justice DeWolf. Chapman claimed

to have owned the child in Arkansas, and to have brought her to Illinois [thereby making her free.] He procured Tracy to take the child to Tennessee and sell her. The result of the case not known. (January, 1856.)

*Two fugitives*, passing through Ohio, (January, 1856,) were closely pursued and nearly overtaken at Columbus, Ohio. "Ten minutes previous warning only saved the fugitives from their pursuers." Deputy Marshal J. Underwood, being called on to act in the case, refused, and resigned his office, saying, he did not expect to be "called upon to help execute the odious Fugitive Slave Law." — *Cincinnati Commercial*.

[ The following may, not improperly, find a place here.]

The House of Delegates of Virginia, early in 1856, adopted the following: — "*Be it resolved by the General Assembly*, That our Representatives in Congress are requested, and our Senators be and are hereby instructed, to secure the passage of a law making full compensation to all owners whose slaves have or may hereafter escape into any of the non-slaveholding States of this Union, and there be withheld from those to whom such service or labor may be due."

*Fourteen persons of color*, held at Los Angeles, California, early in 1856, as the servants of one Robert Smith, were brought before Judge Benjamin Hays, on a writ of *habeas corpus*. Smith alleged that he formerly resided in Mississippi, where he owned these persons; was now about to remove to Texas, and designed to take these persons with him as his slaves. Judge Hays decided that they were all free, and those under twenty-one years of age were placed in the charge of the sheriff, as their special guardian. — *Los Angeles Star*. The opinion of Judge Hays (who was said to be a native of South Carolina,) is a very able one, and under the circumstances, of much interest. It may be found in the *Standard*, of April 5, 1856.

*Two colored lads*, named RALLS and LOGAN, living in Cincinnati, were kidnapped thence by two men, named Orr and Simpkins, and taken to St. Louis, Missouri, where the men tried to sell them. The men were arrested as kidnappers. (March, 1856.)

*The Decatur (Illinois) Chronicle* states that "a man charged with being a fugitive slave was recently arrested at that place and carried off, no one knows where. The sheriff of the county was the willing instrument in the hands of the claimants; no attempt to appeal to the law was made, the negro being carried off as if he were a stray horse or dog." The *Chicago Tribune* says: "If this is a true statement of the affair, that sheriff has laid himself liable to the charge of kidnapping, and should at once be proceeded against with such rigor as his offence demands." (April, 1856.)



MARGARET GARNER *and seven others*, at Cincinnati, Ohio, January, 1856. Of this recent and peculiarly painful case we give a somewhat detailed account, mainly taken from the Cincinnati papers of the day.

About ten o'clock on Sunday, 27th January, 1856, a party of eight slaves—two men, two women, and four children—belonging to Archibald K. Gaines and John Marshall, of Richwood Station, Boone County, Kentucky, about sixteen miles from Covington, escaped from their owners. Three of the party are father, mother, and son, whose names are Simon, Mary, and Simon, Jr.; the others are Margaret, wife of Simon, Jr., and her four children. The three first are the property of Marshall, and the others of Gaines.

They took a sleigh and two horses belonging to Mr. Marshall, and drove to the river bank, opposite Cincinnati, and crossed over to the city on the ice. They were missed a few hours after their flight, and Mr. Gaines, springing on a horse, followed in pursuit. On reaching the river shore, he learned that a resident had found the horses standing in the road. He then crossed over to the city, and after a few hours diligent inquiry, he learned that his slaves were in a house about a quarter of a mile below the Mill Creek Bridge, on the river road, occupied by a colored man named Kite.

He proceeded to the office of United States Commissioner John L. Pendery, and procuring the necessary warrants, with United States Deputy Marshal Ellis, and a large body of assistants, went on Monday to the place where his fugitives were concealed. Arriving at the premises, word was sent to the fugitives to surrender. A firm and decided negative was the response. The officers, backed by a large crowd, then made a descent. Breaking open the doors, they were assailed by the negroes with cudgels and pistols. Several shots were fired, but only one took effect, so far as we could ascertain. A bullet struck a man named John Patterson, one of the Marshal's deputies; tearing off a finger of his right hand, and dislocating several of his teeth. No other of the officers were injured, the negroes being rendered powerless before they could reload their weapons.

On looking around, horrible was the sight which met the officers' eyes. In one corner of the room was a nearly white child, bleeding to death. Her throat was cut from ear to ear, and the blood was spouting out profusely, showing that the deed was but recently committed. Scarcely was this fact noticed, when a scream issuing from an adjoining room drew their attention thither. A glance into the apartment revealed a negro woman holding in her hand a knife literally dripping with gore, over the heads of two little negro children, who were crouched to the floor, and uttering the cries whose agonized peals had first startled them. Quickly the knife was wrested from the hand of the excited woman, and a more close investigation instituted as to the condition of the infants. They



were discovered to be cut across the head and shoulders, but not very seriously injured, although the blood trickled down their backs and upon their clothes.

The woman avowed herself the mother of the children, and said that she had killed one and would like to kill the three others, rather than see them again reduced to slavery! By this time the crowd about the premises had become prodigious, and it was with no inconsiderable difficulty that the negroes were secured in carriages, and brought to the United States District Court-rooms, on Fourth Street. The populace followed the vehicle closely, but evinced no active desire to effect a rescue. Rumors of the story soon circulated all over the city. Nor were they exaggerated, as is usually the case. For once, reality surpassed the wildest thought of fiction.

The slaves, on reaching the marshal's office, seated themselves around the stove with dejected countenances, and preserved a moody silence, answering all questions propounded to them in monosyllables, or refusing to answer at all. Simon is apparently about fifty-five years of age, and Mary about fifty. The son of Mr. Marshall, who is here, in order, if possible, to recover the property of his father, says that they have always been faithful servants, and have frequently been on this side of the river. Simon, Jr., is a young man, about twenty-two years old, of a very lithe and active form, and rather a mild and pleasant countenance. Margaret is a dark mulatto, twenty-three years of age; her countenance is far from being vicious, and her senses, yesterday, appeared partially stultified from the exciting trials she had endured. After remaining about two hours at the marshal's office, Commissioner Pendery announced that the slaves would be removed to the custody of the United States Marshal until nine o'clock Tuesday morning, when the case would come up for examination.

The slaves were then taken down stairs to the street-door, when a wild and exciting scene presented itself; the sidewalks and the middle of the street were thronged with people, and a couple of coaches were at the door in order to convey the captives to the station-house. The slaves were guarded by a strong posse of officers, and as they made their appearance on the street, it was evident that there was a strong sympathy in their favor. When they were led to the carriage-doors, there were loud cries of "Drive on!" "Don't take them!" The coachmen, either from alarm or from a sympathetic feeling, put the whip to their horses, and drove rapidly off, leaving the officers with their fugitives on the sidewalk. They started on foot with their charge to the Hammond Street station-house, where they secured their prisoners for the night.

The slaves claimed that they had been on this side of the river frequently, by consent of their masters.

About three o'clock application was made to Judge Burgoyne for a writ of *habeas corpus*, to bring the slaves before him. This was put in the hands of Deputy Sheriff Buckingham to serve, who,

accompanied by several assistants, proceeded to Hammond Street station-house, where the slaves were lodged. Mr. Bennett, Deputy United States Marshal, was unwilling to give them up, and a long time was spent parleying between the marshal and the sheriff's officers. The sheriff being determined that the writ should be executed, Mr. Bennett went out to take counsel with his friends. Finally, through the advice of Mayor Faran, Mr. Bennett agreed to lodge the slaves in the jail, ready to be taken out at the order of Judge Burgoyne. Mr. Buckingham obtained the complete control of the slaves.

On the morning of the 29th, Sheriff Brashears, being advised by lawyers that Judge Burgoyne had no right to issue his writ for the slaves, and remembering Judge McLean's decision in the Rosetta case, made a return on the writ of *habeas corpus*, that the slaves were in the custody of the United States Marshal, and, therefore, without his jurisdiction. This returned the slaves to the custody of the Marshal. By agreement, the parties permitted the slaves to remain in the county jail during that day, with the understanding that their examination should commence the next morning, before Commissioner Pendery. An inquest had been held on the body of the child which was killed, and a verdict was found by the jury charging the death of the child upon the mother, who it was said would be held under the laws of Ohio to answer the charge of murder. An examination took place on Wednesday, before the United States Commissioner. Time was allowed their counsel to obtain evidence to show that they had been brought into the State at former times by their masters. A meeting of citizens was held on Thursday evening, to express sympathy with the alleged fugitives.

The *Cincinnati Commercial* of January 30, said:—The mother is of an interesting appearance, a mulatto of considerable intelligence of manner, and with a good address. In reply to a gentleman who yesterday complimented her upon the looks of her little boy, she said, "You should have seen my little girl that—that—[she did not like to say, was killed]—that died, that was the bird."

The *Cincinnati Gazette*, of January 30, said:—We learn that the mother of the dead child acknowledges that she had killed it, and that her determination was to have killed all the children, and then destroy herself, rather than return to slavery. She and the others complain of cruel treatment on the part of their master, and allege that as the cause of their attempted escape.

The coroner's jury, after examining the citizens present at the time of the arrest, went to the jail last evening, and examined the grandmother of the child—one of the slaves. She testified that the mother, when she saw they would be captured, caught a butcher knife and ran to the children, saying she would kill them rather than to have them return to slavery, and cut the throat of the child, calling on the grandmother to help her kill them. The grandmother said she would not do it, and hid under a bed.

The jury gave a verdict as follows:—That said child was killed by its mother, Margaret Garner, with a butcher knife, with which she cut its throat.

Two of the jurors also find that the two men arrested as fugitives were accessories to the murder.

"The murdered child was almost white, and was a little girl of rare beauty."

The examination of witnesses was continued until Monday, February 4, when the commissioner listened to the arguments of counsel until February 7th. Messrs. Jolliffe and Gitchell appeared for the fugitives, and Colonel Chambers, of Cincinnati, and Mr. Finnell, of Covington, Kentucky, for the claimants of the slaves. A great number of assistants, (amounting very nearly to five hundred,) were employed by the United States Marshal, H. H. Robinson, from the first, making the expenses to the United States Government very large; for their twenty-eight days' service alone, at \$2.00 per day, amounting to over \$22,000. February 8th, the case was closed, so far as related to the three slaves of Mr. Marshall, but the decision was postponed. The examination in regard to MARGARET and her children was farther continued. It was publicly stated that Commissioner Penderly had declared that he "would not send the woman back into slavery while a charge or indictment for murder lay against her." Colonel Chambers, counsel for the slave-claimants, in his argument, "read long extracts from a pamphlet entitled, 'A Northern Presbyterian's Second Letter to Ministers of the Gospel of all Denominations, on Slavery, by Nathan Lord, of Dartmouth College,' approving and recommending Dr. Lord's views." Colonel Chambers having alluded, in his remarks, to Mrs. Lucy Stone Blackwell, and said that she had sought to give a knife to Margaret Garner, the Court gave permission to Mrs. Blackwell to reply to Colonel C. Mrs. B. preferred not to speak at the bar, but addressed the crowded court-room directly after the adjournment. Her eloquent remarks will be found in the papers of the day. At the close of the hearing, February 14th, the commissioner adjourned his court to the 21st, afterwards to the 26th, when, he said, he would give his decision.

Meantime the case was making some progress in the State courts. Sheriff Brashears having made return to the Common Pleas Court that the fugitives were in the custody of the United States Marshal, Judge Carter said this could not be received as a true return, as they were in the County jail, under the sheriff's control. The sheriff then amended his return, so as to state that the prisoners were in his custody, as required in the writ, and this was received by the Court. The fugitives now came fully into the charge of the State authorities. The sheriff held them "by virtue of a *capias* issued on an indictment by the grand jury for murder."

The slaves declared they would go dancing to the gallows rather than to be sent back into slavery.

On the 26th February, Commissioner Penderly gave his decision. First, he refused to discharge Margaret and three others from the custody of the United States Marshal and deliver them to the Sheriff of Hamilton County, although held to answer, under the laws of Ohio, to the charge of murder. He then proceeded to

consider the claim of Marshall to three of the slaves, decided it to be valid, and ordered them into Marshall's custody. He then considered Gaines's claim to Margaret and her three surviving children, decided that also to be good and valid, and ordered them to be delivered into the possession of said Gaines.

The case of the rightful custody, as between the United States Marshal and the Ohio Sheriff also came on, February 26th, before Judge Leavitt, of the United States District Court, and was argued by counsel on both sides. On the 28th, Judge Leavitt decided that the custody was with the United States Marshal. The substance of Judge L.'s argument and decision is found in the following extract.

"Judge McLean says: 'Neither this nor any other Court of the United States, nor Judge thereof, can issue a *habeas corpus* to bring up a prisoner who is in custody under the sentence or execution of a State Court, for any other purpose than to be used as a witness. And it is immaterial whether the imprisonment be under *civil or criminal process*.' If it be true, as there asserted, that no Federal Court can interfere with the exercise of the proper jurisdiction of a State Court, either in a civil or criminal case, the converse of the proposition is equally true. And it results that a State Court cannot take from an officer of the United States, even on a criminal charge, the custody of a person in execution on a civil case.

"It is said in argument that if these persons cannot be held by the arrest of the Sheriff under the State process, the rights and dignity of Ohio are invaded without the possibility of redress. I cannot concur in this view. The Constitution and laws of the United States provide for a reclamation of these persons, by a demand on the Executive of Kentucky. It is true, if now remanded to the claimant and taken back to Kentucky as slaves, they cannot be said to have fled from justice in Ohio; but it would clearly be a case within the spirit and intention of the Constitution and the Act of Congress, and I trust nothing would be hazarded by the prediction that upon demand properly made upon the Governor of Kentucky, he would order them to be surrendered to the authorities of Ohio to answer to its violated law. I am sure it is not going too far to say that if the strictness of the law did not require this, an appeal to comity would not be in vain."

Mr. Chambers said his client, Mr. Gaines, authorized him to say that he would hold the woman Margaret, who had killed her child, subject to the requisition of the Governor of Ohio, to answer for any crime she might have committed in Ohio.

Judge Leavitt's decision covered the cases of the four adult fugitives. Another legal process was going on, at the same time, before Judge Burgoyne, of the Probate Court, viz. — a hearing under a writ of *habeas corpus* allowed by Judge Burgoyne, alleging the illegal detention, by the United States Marshal, of the three negro children, Samuel, Thomas, and Silla Garner, which took place in the Probate Court, before Judge B., on the afternoon of February 27.



Mr. Jolliffe said he represented the infants at the request of their father and mother, who had solicited him to save the children, if possible.

Messrs. Headington and Ketchum appeared for the United States Marshal.

Judge Burgoyne intimated that, in view of the serious and important questions involved, he should require some time to render a decision. He intimated, however, that a majority of the Judges of the Supreme Court having passed on the constitutionality of the Fugitive Slave Law was no reason why he should not take up the Constitution and read it for himself, being sworn to support the Constitution of the United States and the Constitution of the State of Ohio.

Mr. Ketchum suggested that his Honor was as much bound in conscience to regard the decision of the majority of the Judges of the United States Courts as the express provisions of the Constitution itself.

Judge Burgoyne said, that however the decisions of the Judges of the United States Courts might aid him in coming to a conclusion, where the obligations of his conscience were involved, he could not screen himself behind a decision made by somebody else.

Judge Burgoyne subsequently decided that, in as far as the Fugitive Slave Law was intended to suspend the writ of *habeas corpus* — and he believed that it was so intended — it clearly transcended the limits prescribed by the Constitution, and is “utterly void.” Judge B. required the United States Marshal to answer to the writ on the following Friday; and on his neglect to do so, fined and imprisoned him. Judge Leavitt, of the United States Court, soon released the Marshal from prison.

The *Cincinnati Columbian*, of February 29, gave the following account: — The last act of the drama of the fugitives was yesterday performed by the rendition of the seven persons whose advent into the city, under the bloody auspices of murder, caused such a sensation in the community. After the decision of Judge Leavitt, Sheriff Brashears surrendered the four fugitives in his custody, under a *capias* from an Ohio court, to United States Marshal Robinson. An omnibus was brought to the jail, and the fugitives were led into it — a crowd of spectators looking on.

Margaret was in custody of Deputy-Marshal Brown. She appeared greatly depressed and dispirited. The little infant, Silla, was carried by Pic. Russell, the door-keeper of the United States Court, and was crying violently. Pollock, the reporter of the proceedings in the United States Court, conducted another of the fugitives, and all were safely lodged in the omnibus, which drove down to the Covington ferry-boat; but, although a large crowd followed it, no hootings or other signs of excitement or disapprobation were shown.

On arriving at the Kentucky shore, a large crowd was in attendance, which expressed its pleasure at the termination of the long proceedings in this city by triumphant shouts. The fugitives were



escorted to the jail, where they were safely incarcerated, and the crowd moved off to the Magnolia Hotel, where several toasts were given and drank. The crowd outside were addressed from the balcony by H. H. Robinson, Esq., United States Marshal for the Southern District of Ohio, who declared that he had done his duty and no more, and that it was a pleasure to him to perform an act that added another link to the glorious chain that bound the Union. [What a *Union*! For what "glorious" purposes!]

Mr. Finnell, attorney for the claimants, said he never loved the Union so dearly as now. It was proved to be a substantial reality.

Judge Flinn also addressed to the crowd one of his peculiar orations; and was followed by Mr. Gaines, owner of Margaret and the children. After hearty cheering the crowd dispersed.

Further to signalize their triumph, the slaveholders set on the Covington mob to attack Mr. Babb, reporter for one of the Cincinnati papers, on the charge of being an abolitionist, and that gentleman was knocked down, kicked, trampled on, and would undoubtedly have been murdered, but for the interference of some of the United States Deputy Marshals.

A legal irregularity on the part of the Sheriff was brought to the notice of Judge Carter on the morning of February 29. It was passed over lightly.

On the Sunday after the delivery of the slaves, they were visited in the Covington jail by Rev. P. C. Bassett, whose account of his interview, especially with Margaret, was published in the *American Baptist*, and may also be found in the *National Antislavery Standard* of March 15, 1850. Margaret confessed that she had killed the child. "I inquired," says Mr. Bassett, "if she were not excited almost to madness when she committed the act!" "No," she replied, "I was as cool as I now am; and would much rather kill them at once, and thus end their sufferings, than have them taken back to slavery and be murdered by piece-meal." She then told the story of her wrongs. She spoke of her days of suffering, of her nights of unmitigated toil, while the bitter tears coursed their way down her cheeks."

Governor Chase, of Ohio, made a requisition upon Governor Morehead, of Kentucky, for the surrender of Margaret Garner, charged with murder. The requisition was taken by Joseph Cooper, Esq. to Gov. Morehead, at Frankfort, on the 6th of March — an unpardonable delay in the circumstances. Gov. Morehead issued an order for the surrender of Margaret. On taking it to Louisville, Mr. Cooper found that Margaret, with her infant child, and the rest of Mr. Gaines's slaves had been sent down the river in the steamboat Henry Lewis, to be sold in Arkansas. Thus it was that Gaines kept his pledged word that Margaret should be surrendered upon the requisition of the Governor of Ohio! On the passage down the Ohio, the steamboat, in which the slaves were embarked, came in collision with another boat, and so violently that Margaret and her child, with many others, were thrown into the water. About twenty-five persons perished. A colored man

seized Margaret and drew her back to the boat, but her babe was drowned! "The mother," says a correspondent of the *Louisville Courier*, "exhibited no other feeling than joy at the loss of her child." So closed another act of this terrible tragedy. The slaves were transferred to another boat, and taken to their destination. (See Mr. Cooper's letter to Gov. Chase, dated Columbus, March 11, 1856.) Almost immediately on the above tragic news, followed the tidings that Gaines had determined to bring Margaret back to Covington, Kentucky, and hold her subject to the requisition of the Governor of Ohio. Evidently he could not stand up under the infamy of his conduct. Margaret was brought back, and placed in Covington jail, to await a requisition. On Wednesday, Mr. Cox, the prosecuting-attorney, received the necessary papers from Gov. Chase, and the next day (Thursday), two of the Sheriff's deputies went over to Covington for Margaret, but did not find her, as she had been taken away from the jail the night before. The jailor said he had given her up on Wednesday night, to a man who came there with a written order from her master, Gaines, but could not tell where she had been taken. The officers came back and made a return 'not found.'

The *Cincinnati Gazette* said, — "On Friday our sheriff received information which induced him to believe that she had been sent on the railroad to Lexington, thence via Frankfort to Louisville, there to be shipped off to the New Orleans slave market.

He immediately telegraphed to the sheriff at Louisville (who holds the original warrant from Gov. Morehead, granted on the requisition of Gov. Chase,) to arrest her there, and had a deputy in readiness to go down for her. But he has received no reply to his dispatch. As she was taken out on Wednesday night, there is reason to apprehend that she has already passed Louisville, and is now on her way to New Orleans.

Why Mr. Gaines brought Margaret back at all, we cannot comprehend. If it was to vindicate his character, he was most unfortunate in the means he selected, for his duplicity has now placed this in a worse light than ever before, and kept before the public the miserable spectacle of his dishonor.

We have learned now, by experience, what is that boasted comity of Kentucky on which Judge Leavitt so earnestly advised Ohio to rely."

The assertion of the *Louisville Journal*, that Margaret was kept in Covington jail "ten days," and that the Ohio authorities had been notified of the same, is pronounced to be untrue in both particulars by the *Cincinnati Gazette*, which paper also declares that prompt action was taken by the governor of Ohio, and the attorney and sheriff of Hamilton County, as soon as the fact was known.

Here we must leave MARGARET, a noble woman indeed, whose heroic spirit and daring have won the willing, and extorted the unwilling, admiration of hundreds of thousands. Alas for her! after so terrible a struggle, so bloody a sacrifice, so near to deliverance once, twice, and even a third time, to be, by the villainy

and lying of her "respectable" white owner again engulfed in the abyss of Slavery! What her fate is to be, it is not hard to conjecture. But friendless, heart-stricken, robbed of her children, outraged as she has been, not wholly without friends,

"Yea, three firm friends, more sure than day and night,  
Herself, her Maker, and the angel Death."

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EXTRACT from a sermon recently delivered in Cleveland, Ohio, by Rev. H. BUSHNELL, from the following text: "And it was so, that all that saw it, said, There was no such deed done nor seen from the day that the children of Israel came up out of the land of Egypt unto this day: CONSIDER OF IT, TAKE ADVICE, AND SPEAK YOUR MINDS."—JUDGES XIX: 30.

A few weeks ago, just at dawn of day, might be seen a company of strangers crossing the winter bridge over the Ohio River, from the State of Kentucky, into the great city of our own State, whose hundred church-spires point to heaven, telling the travellers that in this place the God of Abraham was worshipped, and that here Jesus the Messiah was known, and his religion of love taught and believed. And yet, no one asked them in or offered them any hospitality, or sympathy, or assistance. After wandering from street to street, a poor laboring man gave them the shelter of his humble cabin, for they were strangers and in distress. Soon it was known abroad that this poor man had offered them the hospitalities of his home, and a rude and ferocious rabble soon gathered around his dwelling, demanding his guests. With loud clamor and horrid threatening they broke down his doors, and rushed upon the strangers. They were an old man and his wife, their daughter and her husband with four children; and they were of the tribe of slaves fleeing from a bondage which was worse than death. There was now no escape—the tribes of Israel had banded against them. On the side of the oppressor there is power. And the young wife and mother, into whose very soul the iron had entered, hearing the cry of the master: "Now we'll have you all!" turning from the side of her husband and father, with whom she had stood to repel the foe, seized a knife, and with a single blow nearly severed the head from the body of her darling daughter, and throwing its bloody corpse at his feet, exclaimed, "Yes, you *shall* have us all! take that!" and with another blow inflicted a ghastly wound upon the head of her beautiful son, repeating, "Yes, you *shall* have us all—take that!" meanwhile calling upon her old mother to help her in the quick work of emancipation—for there were two more. But the pious old grandmother could not do it, and it was now too late—the rescuers had subdued and bound them. They were on their way back to the house of their bondage—a life more bitter than death! On their way through that city of churches whose hundred spires told of Jesus and the good Father above; on their

way amid the throng of Christian men, whose noble sires had said and sung, "Give me *liberty*, or give me *death*."

But they all tarried in the great Queen City of the West—in chains, and in a felon's cell. There our preacher visited them again and again. There he saw the old grandfather and his aged companion, whose weary pilgrimage of unrequited toil and tears was nearly at its end. And there stood the young father and the heroic wife "Margaret." Said the preacher, "Margaret, why did you kill your child?" "It was my own," she said, "given me of God, to do the best a mother could in its behalf. *I have done the best I could!* I would have done more and better for the rest! I knew it was better for them to go home to God than back to slavery." "But why did you not trust in God—why not wait and hope?" "I did wait, and then we dared to do, and fled in fear, but in hope; hope fled—God did not appear to save—I *did the best I could!*"

And who was this woman? A noble, womanly, amiable, *affectionate mother*. "But was she not deranged?" Not at all—calm, intelligent, but resolute and determined. "But was she not fiendish, or beside herself with passion?" No, she was most tender and affectionate, and all her passion was that of a *mother's fondest love*. I reasoned with her, said the preacher; tried to awaken a sense of guilt, and lead her to repentance and to Christ. But there was no remorse, no desire of pardon, no reception of Christ or his religion. To her it was a religion of *slavery*, more cruel than death. And where had she lived? where thus taught? Not down among the rice swamps of Georgia, or on the banks of Red River. No, but within sixteen miles of the Queen City of the West! In a nominally Christian family—whose master was most liberal in support of the Gospel, and whose mistress was a communicant at the Lord's table, and a professed follower of Christ! Here, in this family, where slavery is found in its mildest form, she had been kept in ignorance of God's will and word, and learned to know that the mildest form of American slavery, at this day of Christian civilization and Democratic liberty, was worse than death itself! She had learned by an experience of many years, that it was so bad she had rather take the life of her own dearest child, without the hope of Heaven for herself, than that it should experience its unutterable agonies, which were to be found even in a Christian family! But here are her two little boys, of eight and ten years of age. Taking the eldest boy by the hand, the preacher said to him, kindly and gently, "Come here, my boy; what is your name?" "Tom, sir." "Yes, Thomas." "No sir, Tom." "Well, Tom, how old are you?" "Three months." "And how old is your little brother?" "Six months, sir!" "And have you no other name but Tom?" "No." "What is your father's name?" "Haven't got any!" "Who made you, Tom?" "Nobody!" "Did you ever hear of God or Jesus Christ?" "No, sir." And this was slavery in its best estate. By and by the aged couple, and the young man and his wife, the remaining children, with the



master, and the dead body of the little one, were escorted through the streets of the Queen City of the West by a *national guard of armed men*, back to the great and chivalrous State of old Kentucky, and away to the shambles of the South — back to a life-long servitude of hopeless despair. It was a long, sad, silent procession down to the banks of the Ohio; and as it passed, the death-knell of freedom tolled heavily. The sovereignty of Ohio trailed in the dust beneath the oppressor's foot, and the great confederacy of the tribes of modern Israel attended the funeral obsequies, and made ample provision for the necessary expenses! "And it was so, that all that saw it, said, *There was no such deed done, nor seen from the day that the children of Israel came up out of the land of Egypt unto this day; CONSIDER OF IT, TAKE ADVICE, AND SPEAK YOUR MINDS!*"

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
With the sad case of MARGARET GARNER we close, for the present, the record of the Fugitive Slave Law, as its history has been daily writing itself in our country's annals. Enactment of hell! which has marked every step of its progress over the land by suffering and by crimes, — crimes of the bloodiest dye, groanings which cannot fully be uttered; which is tracked by the dripping blood of its victims, by their terrors and by their despair; against which, and against that Wicked Nation which enacted it, and which suffers it still to stand as their LAW, the cries of the down-trodden poor go up continually into the ears of God, — cries of bitterest anguish, mingled with fiercest execrations — thousands of Rachels weeping for their children, and will not be comforted, because they *are not*.

Reader, is your patriotism of the kind which believes, with the supporters of old monarchies, that the Sovereign Power can do no wrong? Consider the long record which has been laid before you, and say if your country has not enacted a most wicked, cruel, and shameful law, which merits only the condemnation and abhorrence of every heart. Consider that this law was aimed at the life, liberty, and happiness of the poor and least-privileged portion of our people — a class whom the laws should befriend, protect, and raise up. What is the true character of a law, whose working, whose fruits are such as this meagre outline of its history shows? Is it fit that such deeds and such a law should have your sanction and support? Will you remain in a moment's doubt whether to be a friend or a foe to such a law? Will you countenance or support



the man, in the church or in the state, who is not its open and out-spoken opponent? Will you not, rather, yourself trample it under foot, as alike the disgrace of your country, the enemy of humanity, and the enemy of God? And nobly join, with heart and hand, every honest man who seeks to load with the opprobrium they deserve, the law itself and everything that justifies and upholds it?

In this tract no mention is made of that great company of slaves who, flying from their intolerable wrongs and burdens, are overtaken before reaching the Free States — (alas, that we should mock ourselves with this empty name of *free*!) — and carried back into a more remote and hopeless slavery; nor of the thousands who, having fled in former years, and established themselves in industry and comfort in the Northern States, were compelled again to become fugitives, leaving their little all behind them, into a still more Northern land where, under British law, they find at last a resting-place and protection; nor to any great extent of the numerous cases of white citizens, prosecuted, fined, harassed in every way, for the *crime* of giving shelter and succor to the hunted wanderers. To have included these — all emphatically *victims* of the Fugitive Slave Law — would swell our tract into a volume. What a testimony against our land and our people is given by their accumulated weight! EVERY LIVING MAN AND WOMAN IS GUILTY OF THIS GREAT SIN, WHO EITHER BY APOLOGY, OR BY SILENCE, LENDS IT THE LEAST SUPPORT.

 In a record like the foregoing, dealing so largely with facts and dates, perfect accuracy is not to be expected, although much pains have been taken to make it strictly correct. Any information, on good authority, which will help to make the record more exact, or more complete, will be very gratefully received. It should be addressed to SAMUEL MAY, JR., No. 21 Cornhill, Boston, Mass.

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THE

Fugitive Slave Bill :

ITS

HISTORY AND UNCONSTITUTIONALITY ;

WITH AN ACCOUNT OF THE

SEIZURE AND ENSLAVEMENT

OF

JAMES HAMLET,

AND HIS

SUBSEQUENT RESTORATION TO LIBERTY.

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New-York :

WILLIAM HARNED, 61 JOHN STREET.

Price \$2 a hundred; single copies, 5 cents.

1850.

## PREFACE.



OFFICE OF THE AMERICAN AND FOREIGN ANTI-SLAVERY SOCIETY, }  
61, John street, New-York, October 7, 1850. }

THIS Review of the infamous Bill recently passed by the Congress of the United States has been hastily prepared, with a view to meet the present exigency, and the author has freely availed himself of such helps as were at hand. A wide circulation should be given to the pamphlet. To enable the friends of freedom to accomplish this object, it will be sold by the thousand or hundred at the bare cost. They are earnestly entreated to have a copy put into the hands of every citizen in the Free States, and to have copious extracts made for the public press.

The Executive Committee of the Society believe that the heart of every anti-slavery individual will deeply sympathize with the panting fugitive. They trust that the dwelling of every citizen will be an asylum, or place of protection; and that in view of his extraordinary circumstances, and the approaching cold weather, clothing, and other necessary articles, will be furnished with a liberal hand. They would not recommend that fugitives go to Canada, at least on the approach of winter; but if any go, that they be men without families. It is well for every fugitive to avoid large cities and public houses.

The free people of color are advised to remain at their posts, unmoved and "unawed," and each one to consider his dwelling his castle. In case of assault or molestation, they may be assured that they will be effectually aided by their white friends. The opposition to the wicked Bill is general and strong; and if those exposed to be its victims are circumspect and fearless, the opposition will increase, and the sympathy will be deeper and more general, until the "law" is indignantly and for ever swept from the statute book.

Those who aid the fugitive, and defend the free people of color from being kidnapped, act on conscientious, and many of them from Christian principles. The administration of the iniquitous and unconstitutional law is therefore a matter of persecution. In every way in which it can be viewed, it is a disgrace to the nation, an act of extreme cruelty, and can be viewed as an experiment on the part of the Slave Power to see how much the Free States will bear, with reference to future experiments upon their rights and feelings.

LEWIS TAPPAN, *Cor. Sec.*

8954-

## CIVIL LIBERTY OUTRAGED.

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THE FIRST FRUITS OF THE COMPROMISE !

THE FIRST UNITED STATES OFFICIAL SLAVE-CATCHER IN  
NEW-YORK !

THE FIRST OUTRAGE UPON CIVIL LIBERTY ON FREE SOIL,  
IN A FREE STATE !

Let the following plain statement of facts be read by every American citizen, and the public judgment be passed upon the authors of the law under which they took place, and their aiders, abettors, and approvers.

On the 26th day of September last, one THOMAS J. CLARE came to the city of New-York from Baltimore, with a power of attorney, purporting to be executed by one Mary Brown—not by her signature, but by her mark—authorizing him to take and carry to Baltimore a man represented to be her slave. Bringing with him a copy of the Fugitive Slave Law, just passed by Congress, as one of the heralded measures of peace in which that body has been engaged for the last ten months, certified to be authentic by *Daniel Webster*, Secretary of State, Clare appeared before *Alexander Gardiner*, Clerk of the Circuit Court of the United States for the Southern District of New-York, and Commissioner under the Fugitive Slave Law, and in virtue of this law, constituted a slave-catcher, and made an affidavit that George Hamlet, a mulatto man, about 30 years of age, who has resided in the neighborhood of this city for the last two or three years, and who has a wife and children there, was the slave of Mrs. Brown,

and that he escaped from her in Baltimore about the year 1848, and asked for a warrant to arrest him.

Commissioner Gardiner, entering promptly upon the execution of his new office under the law—one of the provisions of which gives the Commissioner ten dollars, provided he decides the man is a slave, but only five dollars in case he decides him to be a free man—forthwith prepared the necessary papers, issued the demanded warrant, and placed it in the hands of the United States Marshal, who, through one of his deputies, arrested Hamlet, while pursuing his ordinary business as porter in the store of Tilton & Maloney, 58 Water street, New-York city—having formerly lived with Mr. Silas Wood, in this city—and brought him, according to the directions of the warrant, before Mr. Gardiner. He was then taken into a retired room in the second story of the old City Hall, and the Commissioner, without any notice to any acquaintance of the prisoner, without assigning him any counsel, or giving him a moment's opportunity to send for assistance, proceeded with hot haste, *ex-parte*, to take the testimony of Clare, the son-in-law of the alleged claimant, and young Gustavus Brown, her son, in proof that the prisoner was her slave.

By accident, a gentleman who has some sympathy for the distressed, heard what was going on, and sent for a gentleman of the New-York bar to appear as counsel for the prisoner, who arrived only in time to elicit, by a cross-examination of the witnesses, the admission that at the time of the alleged escape of Hamlet, he was not in the employment of Mrs. Brown, but had for some time been hired out as servant in a Baltimore Shot Company, for whom Clare was clerk. Hamlet insisted that his mother was a free woman, and that he was a free man, and denied that he was a slave. But the law prohibited his testimony from being taken, and Commissioner Gardiner, upon the testimony of the two family witnesses, the son-in-law and son of the alleged owner—who by her mark upon the power of attorney, it appears, cannot write her name, and whose name was evidently used in the matter for the benefit of Clare and young Brown—decided that the prisoner was the slave of the claimant, and doomed him to perpetual bondage, by delivering him up to Clare as his property.

The demand was then made that the Marshal of the United States, at the expense of the United States, take the prisoner to Baltimore. The law sanctions the demand, and a warrant for that purpose was immediately issued, and this man, torn from his wife and children



and doomed to perpetual bondage, not by the verdict of a jury, but by the *fiat* of a mere clerk, whom this law has constituted slave-catcher for Southern masters, and upon the testimony of the parties in interest, was then taken into custody by deputy Benjamin H. Tallmadge, (who is son of Henry F. Tallmadge, U. S. Marshal,) hand-cuffed, and with his limbs thus cramped in irons, forced into a carriage prepared and standing at the court-house door. With two men on the driver's seat and three inside the carriage, he was hurried to the steamboat and taken to Baltimore, and lodged in the slave prison of the successor of Hope H. Slatter, a well-known hell upon earth, there to remain till a favorable bargain can be made for his sale and shipment to a Southern market. The expenses, amounting to between \$70 and \$80, have been paid by the United States. His wife and two children, who had no knowledge of his doom till he was gone, remain among us, deprived even of the mournful consolation of bidding farewell to their husband and father, who has been torn from them for no crime, under the sanction of and in conformity to a law made by the representatives of the people of these United States.

Young Tallmadge lost no time, after seeing that Hamlet was safely lodged in the slave prison at Baltimore, in communicating the news to his father's office. By a telegraphic dispatch from Baltimore he sent intelligence that the victim whom he had volunteered to take in chains to the dungeon in that city, was securely incarcerated. This young man, we regret to say, is the grandson of Colonel Benjamin Tallmadge of the revolutionary army, and once an Aid of General Washington!

James Hamlet is a highly esteemed young man. In the language of the subservient *Journal of Commerce*, he is "a steady, correct, and upright man," "a member of the Methodist Church," and "can be redeemed for \$800." The *Journal* says the decree was according to law and the *Constitution*. THE LATTER ASSERTION IS FALSE, as the act tramples upon the *Constitution*, as well as upon the law of God. The caitiff editor sneers at a "higher law," and exults in the prostration of civil liberty, while he, with an affectation of benevolence, solicits money to purchase Hamlet, that he may be restored to his family. It is said that a silver pitcher is in preparation to be presented to the editor by slaveholders, in testimony of their appreciation of his services on behalf of the institution the past year.

This "law," called the FUGITIVE SLAVE LAW, is said to have been

drafted by Mr. Mason, Senator from Virginia. It is the act of which Daniel Webster said, "I propose to support that bill with all proper authority and provisions in it, to the fullest extent—to the fullest extent;" and for which he has received the cordial approbation of Moses Stuart, and a number of manufacturers, recreant preachers, and venal politicians. This law is an audacious violation of the first principles of CIVIL LIBERTY, and of the Constitution of the country. "For my own part," says Judge Jay, "I regard the bill before the Senate as a most gross usurpation of power in Congress; a plain, palpable violation of the Constitution, an outrage on the religious and benevolent sensibilities of the community, and a disgrace to our national character." Here is the bill:—

### AN ACT

TO AMEND, AND SUPPLEMENTARY TO THE ACT, ENTITLED, "AN ACT RESPECTING FUGITIVES FROM JUSTICE, AND PERSONS ESCAPING FROM THE SERVICE OF THEIR MASTERS," APPROVED FEBRUARY 12, 1793.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the persons who have been, or may hereafter be, appointed commissioners, in virtue of any act of Congress, by the circuit courts of the United States, and who, in consequence of such appointment, are authorized to exercise the powers that any justice of the peace or other magistrate of any of the United States may exercise in respect to offenders for any crime or offence against the United States, by arresting, imprisoning, or bailing the same under and by virtue of the thirty-third section of the act of the twenty-fourth of September, seventeen hundred and eighty-nine, entitled "An act to establish the judicial courts of the United States," shall be, and are hereby authorized and required to exercise and discharge all the powers and duties conferred by this act.

SEC. 2. *And be it further enacted,* That the superior court of each organized territory of the United States shall have the same power to appoint commissioners to take acknowledgments of bail and affidavit, and to take depositions of witnesses in civil causes, which is now possessed by the circuit courts of the United States; and all commissioners who shall hereafter be appointed for such purposes by the superior court of any organized territory of the United States shall possess all the powers and exercise all the duties conferred by law upon the commissioners appointed by the circuit courts of the United States for similar purposes, and shall moreover exercise and discharge all the powers and duties conferred by this act.

SEC. 3. *And be it further enacted,* That the circuit courts of the United States, and the superior courts of each organized territory of the United States, shall from time to time enlarge the number of

commissioners, with a view to afford reasonable facilities to reclaim fugitives from labor, and to the prompt discharge of the duties imposed by this act.

SEC. 4. *And be it further enacted*, That the commissioners above named shall have concurrent jurisdiction with the judges of the circuit and district courts of the United States, in their respective circuits and districts within the several States, and the judges of the superior courts of the Territories, severally and collectively, in term time and vacation; and shall grant certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, to the State or territory from which such persons may have escaped or fled.

SEC. 5. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars to the use of such claimant, on the motion of such claimant, by the circuit or district court for the district of such marshal; and after arrest of such fugitive by such marshal or his deputy, or whilst at any time in his custody, under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted, for the benefit of such claimant for the full value of the service or labor of said fugitive in the State, Territory, or district whence he escaped; and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with an authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or *posse comitatus* of the proper county, when necessary to insure a faithful observance of the clause of the constitution referred to, in conformity with the provisions of this act: and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run and be executed by said officers anywhere in the State within which they are issued.

SEC. 6. *And be it further enacted*, That when a person held to service or labor in any State or Territory of the United States has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or

labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal office or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking and causing such person to be taken forthwith before such court, judge or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy or other authority, as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which such service or labor was due to the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary under the circumstances of the case, to take and remove such fugitive person back to the State or Territory from whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned shall be conclusive of the right of the person or persons in whose favor granted to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 7. *And be it further enacted*, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid; or shall rescue, or attempt to rescue such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the au-



thority herein given and declared ; or shall aid, abet, or assist such person, so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons, legally authorized as aforesaid ; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States ; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost as aforesaid, to be recovered by action of debt in any of the district or territorial courts aforesaid, within whose jurisdiction the said offence may have been committed.

SEC. 8. *And be it further enacted*, That the marshals, their deputies, and the clerks of the said district and territorial courts, shall be paid for their services the like fees as may be allowed to them for similar services in other cases ; and where such services are rendered exclusively in the arrest, custody, and delivery of the fugitive to the claimant, his or her agent or attorney, or where such supposed fugitive may be discharged out of custody for the want of sufficient proof as aforesaid, then such fees are to be paid in the whole by such claimant, his agent or attorney ; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his or her agent or attorney ; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery, inclusive of all services incident to such arrest and examination, to be paid in either case, by the claimant, his or her agent or attorney. The person or persons authorized to execute the process to be issued by such commissioners for the arrest and detention of fugitives from service or labor as aforesaid, shall also be entitled to a fee of five dollars each for each person he or they may arrest and take before any such commissioner as aforesaid at the instance and request of such claimant, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them : such as attending to the examination, keeping the fugitive in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner ; and in general for performing such other duties as may be required by such claimant, his or her attorney or agent, or commissioner in the premises ; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid by such claimants, their agents



or attorneys, whether such supposed fugitive from service or labor be ordered to be delivered to such claimants by the final determination of such commissioners or not.

SEC. 9. *And be it further enacted*, That upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent or attorney. And to this end the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary, to overcome such force, and to retain them in his service so long as circumstances may require; the said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses as are now allowed by law for the transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.

SEC. 10. *And be it further enacted*, That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney may apply to any court of record therein, or judge thereof, in vacation, and make satisfactory proof to such court, or judge, in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record authenticated by the attestation of the clerk, and of the seal of the said court, being produced in any other State, Territory, or District in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer, authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge or other person authorized by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped: *Provided*, That nothing herein contained shall be construed as requiring the production of a

transcript of such record as evidence as aforesaid; but in its absence, the claim shall be heard and determined upon other satisfactory proofs competent in law.

HOWELL COBB,

*Speaker of the House of Representatives.*

WILLIAM R. KING,

*President of the Senate, pro tempore.*

Approved September 18, 1850.

MILLARD FILLMORE.

### SYNOPSIS OF THE BILL.

1. United States Commissioners who have been, or may hereafter be, appointed by the Circuit Courts of the United States, are authorized and required to exercise the powers conferred by this act.

2. The Superior Court of each Territory shall have power to appoint similar commissioners, with the same authority as that possessed by the commissioners appointed by the United States Circuit Courts.

3. The Circuit Courts of the U. S. and the Superior Courts of the Territories shall increase the number of commissioners from time to time, as their services may be needed.

4. Such commissioners shall possess concurrent jurisdiction, in relation to Fugitives, with the Judges of the Circuit and District Courts of the U. S., and the Superior Courts of the Territories, in term time, and vacation.

5. Marshals and Deputies are required to execute all warrants and precepts, or other processes for the arrest and detention of fugitives, under penalty of a fine of \$1,000 for the use of the claimant of such fugitive; and in case of the escape of a fugitive from the custody of a marshal, whether with or without his knowledge and connivance, said marshal is to be liable to a prosecution for the full value of the said fugitive.

The commissioners have also powers to appoint suitable persons from time to time, to execute all warrants and processes needful for the arrest and detention of fugitives, with power to call on the *posse comitatus*, or by-standers, for assistance, if needed; and all good citizens are commanded to aid and assist in the execution of the law, when their services shall be required.

6. The owner, or the attorney of any owner, of any fugitive slave, is authorized to seize such fugitive, with or without warrant or pro-

cess, and take him before some one of the courts, judges, or commissioners aforesaid, whose duty it shall be to determine the case in a summary manner; and on proof, by deposition or affidavit, or other satisfactory testimony, duly certified, of the escape and identity of said fugitive, and of the right of said claimant to the service of said fugitive, the commissioner shall make out and deliver to said claimant, a certificate, *which shall be conclusive, and prevent all molestation of the claimant by any process issued by any court, judge, magistrate or other person whomsoever*—setting forth the substantial facts in the case, with authority to use necessary force and restraint to take and remove such fugitive to the State or Territory from which he has escaped. The testimony of the fugitive is in no case to be admitted.

7. Any person who shall knowingly hinder the arrest of a fugitive, or attempt to rescue him after arrest, or assist such fugitive, directly or indirectly, to escape, or harbor or conceal him after notice or knowledge of the fact that he was a fugitive, shall be liable to a fine of \$1,000 and six months' imprisonment, by conviction before the proper District or Territorial courts, and to a suit for damages of \$1,000 for each fugitive lost to his owner by said obstruction or rescue, the same to be recovered by action of debt in any of the courts aforesaid.

8. The marshals, deputies and clerks shall receive the usual compensation in such cases for their services; when the proceedings are before a commissioner, he is entitled to a fee of TEN dollars upon the delivery of the said certificate to the claimant; or to a fee of FIVE dollars if the proof is deemed insufficient: the persons authorized to execute the process for the arrest and detention of such fugitive, shall receive a fee of five dollars, with other fees which may be deemed reasonable for additional services: all which fees are to be paid by such claimants.

9. Upon affidavit by the claimant that he apprehends a rescue, after the delivery of a fugitive to his master, the officer who effected the arrest may be required to take the slave to the place from whence he escaped, and employ as many persons as may be necessary to prevent a rescue, until he can be delivered to his master in the State from which he fled. The expenses of assistance and transportation, the same as those now allowed for criminals, are to be paid out of the U. S. Treasury.

10. On the escape of a slave, the master or his attorney may make

satisfactory proof to any Court of Record, or Judge thereof in vacation, of his ownership of an escaped slave, whereupon the court are required to issue an authenticated copy of said testimony, with a description of the person of the fugitive *with such convenient certainty as may be*, which being exhibited to any judge, commissioner, or other officer authorized to act, shall be held as conclusive evidence of the escape of said slave, and of the claimant's right to said fugitive. Upon the production of other evidence, if necessary, either oral or by affidavit, a certificate shall be granted which shall authorize the claimant to arrest and transport such person into the State or Territory whence he may have escaped. In the absence of said copy of said testimony, the claim shall be determined upon other proofs "competent in law."

### THE WAY IT WAS DONE.

It is curious to know the *modus operandi*, and it should be kept in everlasting remembrance. The chief plotters—the slave-holding Speaker, COBB, of Georgia, and his confederates on the floor of the House—and the subservient, pliant, dough faced tools of the North, including those who voted for the Bill, and those who dodged the question, will have their names registered here and elsewhere for the eyes of their constituents, their countrymen, the world, and posterity. May the indignant frown of a virtuous people drive them from posts of influence, and doom them to political death, as they have doomed themselves to perpetual shame and dishonor.

The following is the Senate vote on the engrossment of the bill:—

YEAS—Messrs. Atchison, Badger, Barnwell, Bell, Berrien, Butler, Davis, of Mississippi, Dawson, Dodge, of Iowa, Downs, Foote, Houston, Hunter, Jones, King, Mangum, Mason, Pierce, Rusk, Sebastian, Soulé, Spruance, Sturgeon, Turney, Underwood, Wales, Yulee—27.

NAYS—Messrs. Baldwin, Bradbury, Chase, Cooper, Davis, of Mass., Dayton, Dodge, of Wisconsin, Greene, Smith, Upham, Walker, and Winthrop—12.

*Absent, or Not Voting*—Messrs. Benton, Borland, Bright, Clarke, Clay, Cass, Clemens, Dickinson, Douglas, Ewing, Felch, Hale, Hamlin, Miller, Morton, Norris, Phelps, Pratt, Seward, Shields, Whitcomb—21.

*Yeas from the Free States*—Messrs. A. C. Dodge and Jones, of Iowa.

On the final passage, the Yeas and Nays were not called, the fate of the bill being decided by the preceding vote; but that eminently national statesman, Hon. *Daniel S. Dickinson*, made a few remarks in favor of the bill, and it passed without further division. Mr. Seward was absent from the city, unwell. Mr. Hale was, we believe, with his family, for a few days, in New-Hampshire; but most of the twenty-one absentees were only indisposed to vote.

The bill was taken up in the House, September 12th, and forced through, says the editor of the *National Era*, without discussion, consideration, or any opportunity for amendment. The bill coming up, JAMES THOMPSON, of Pennsylvania, was recognized by the Speaker, who, it is believed, fully understood the views of that recreant representative of a Free State. He addressed the House in support of the bill, and closed by moving the previous question. Thaddeus Stevens, of the same State, strongly appealed to his colleague to withdraw the motion, as he desired to reply to him. Thompson would consent only on condition that Mr. Stevens would renew it; but this HE NOBLY REFUSED TO DO. Other members renewed the appeal, but their entreaties were in vain. Thompson was inexorable. Mr. Crowell moved a call of the House. It was refused, and the demand for the previous question was sustained!—yeas 87, nays 69. Mr. Stevens then moved to lay the bill on the table. The motion was lost—yeas 67, nays 113. The main question was then ordered to be put, and the bill was ordered to a third reading—yeas 105, nays 73. The bill was read a third time by its title, the question being, “*Shall it pass?*” Mr. Thompson moved a call of the House, which was decided in the negative,—yeas 73, nays 100. The question, “SHALL THIS BILL PASS?” was then decided in the affirmative—YEAS 109, NAYS 75.

The following is a classification of the vote:—

YEAS—CALLING THEMSELVES DEMOCRATS—

|                          |                                                                                                     |
|--------------------------|-----------------------------------------------------------------------------------------------------|
| <i>Maine</i> .....       | THOMAS J. D. FULLER, of Calais; EL-BRIDGE GERRY, of Waterford; NATHL. S. LITTLEFIELD, of Bridgeton. |
| <i>New-Hampshire</i> ... | HARRY HIBBARD, of Bath; CHARLES H. PEASLEE, of Concord.                                             |
| <i>New-York</i> .....    | HIRAM WALDEN, of Waldensville.                                                                      |
| <i>New-Jersey</i> .....  | ISAAC WILDRICK, of Blairstown.                                                                      |



YEAS—CALLING THEMSELVES DEMOCRATS.—*Continued.*

*Pennsylvania* ... MILO M. DIMMICK, of Stroudsburg; JO MANN, of Bedford; J. X. McLANAHAN of Chambersburg; JOHN ROBBINS, JR., of Philadelphia; THOMAS ROSS, of Doylestown; JAMES THOMPSON, of Erie.

*Ohio* ..... MOSES HOAGLAND, of Millersburg; JOHN K. MILLER, of Mount Vernon.

*Michigan* ..... ALEXANDER W. BUELL, of Detroit.

*Indiana* ..... NATHANIEL ALBERTSON, of Greenville; WILLIAM J. BROWN, of Amity; CYRUS L. DUNHAM, of Salem; WILLIS A. GORMAN, of Bloomington; JOS. E. McDONALD, of Crawfordsville.

*Illinois* ..... WILLIAM H. BISSELL, of Belleville; THOMAS L. HARRIS, of Petersburg; JOHN A. McCCLERNAND, WILLIAM A. RICHARDSON, of Quincy; TIMOTHY R. YOUNG, of Marshall.

*Iowa* ..... SHEPHERD LEFFLER, of Burlington.

*California* ..... EDWARD GILBERT.

*Maryland* ..... Hamilton.

*Virginia* ..... Averett, Bayly, Beale, E. Edmundson, McMullen, Holladay, Meade, Millson, Parker, Powell, Seddon.

*North Carolina*.. Ashe, Caldwell, Venable.

*South Carolina*.. Burt, Colcock, McQueen, Orr, Wallace, Holmes, Woodward.

*Georgia* ..... Haralson, Jackson, Wellborn.

*Alabama* ..... Bowdon, Cobb, Hubbard, Harris, Inge.

*Louisiana* ..... La Sere.

*Tennessee* ..... Ewing, Harris, Johnson, Jones, Savage, Stanton, Thomas.

*Mississippi* ..... Brown, Featherston, McWillie, Thompson.

*Arkansas* ..... Johnson.

*Texas* ..... Howard, Kaufman.

*Missouri* ..... Bay, Bowlin, Green, Hall, Phelps.

*Kentucky* ..... Boyd, Caldwell, Mason, Stanton.

## YEAS—WHIGS.

|                           |                                    |
|---------------------------|------------------------------------|
| <i>Massachusetts</i> .... | SAMUEL A. ELLIOT, of Boston.       |
| <i>Ohio</i> .....         | JOHN L. TAYLOR, of Chillicothe.    |
| <i>Indiana</i> .....      | EDWARD W. MCGAUGHEY, of Rockville. |

*Virginia*..... Haymond, Morton.  
*Maryland*..... Bowie, Kerr.  
*Delaware*..... Houston.  
*North Carolina*.. Clingman, Deberry, Daniel, Outlaw, Shepperd Stanley.  
*Georgia*..... Owen, Toombs.  
*Alabama*..... Alston, Hilliard.  
*Tennessee*..... Anderson, Gentry, Watkins, Williams.  
*Kentucky*..... Breck, Johnson, Marshall, McLean, Thompson.

## NAYS—DEMOCRATS.

*Maine*..... CULLEN SAWTELLE, of Norridgewock; CHARLES STETSON, of Bangor.  
*Connecticut*..... WALTER BOOTH, of Meriden; LOREN P. WALDO, of Tolland.  
*Ohio*..... JOSEPH CABLE, of Carrollton; DAVID K. CARTER, of Massillon; DAVID T. DISNEY, of Cincinnati; JONATHAN D. MORRIS, of Batavia; WM. A. WHITTLESSEY, of Marietta; AMOS E. WOOD, of Woodville.  
*Michigan*..... KINSLEY S. BINGHAM, of Kensington.  
*Indiana*..... GRAHAM N. FITCH, of Logansport; ANDREW J. HARLAN, of Marion; JOHN L. ROBINSON, of Rushville.  
*Illinois*..... JOHN WENTWORTH, of Chicago.  
*Wisconsin*..... JAMES D. DOTY, of Menasha.  
*California*..... GEO. W. WRIGHT.

## NAYS—WHIGS.

*Maine*..... JOHN OTIS, of Hallowell.  
*Vermont*..... WILLIAM HEBARD, of Chelsea; WILLIAM HENRY of Bellows' Falls; JAMES MEACHAM.

NAYS—WHIGS.—*Continued.*

- Massachusetts...* JAMES H. DUNCAN, of Haverhill; ORIN FOWLER, of Fall River; HORACE MANN, of West Newton.
- Rhode Island...* NATHAN F. DIXON, of Westerly; GEORGE G. KING of Newport.
- Connecticut.....* THOS. B. BUTLER, of Norwalk.
- New-York.....* HENRY P. ALEXANDER, of Little Falls; HENRY BENNETT, of New-Berlin; GEORGE BRIGGS, of New-York; LORENZO BURROWS, of Albion; DANIEL GOTT, of Pompey; HERMAN D. GOULD, of Delhi; RANSOM HALLOWAY, of Beekman; WM. T. JACKSON, of Havana; JOHN A. KING, of Jamaica; ORSAMUS B. MATTESON, of Utica; THOMAS McKISSECK, of NEWBURGH; WM. NELSON, of Peekskill; HARVEY PUTNAM, of Attica; DAVID RUMSEY, Jr., of Bath; WM. A. SACKETT, of Seneca Falls; A. M. SCHERMERHORN, of Rochester; JOHN L. SCHOOLCRAFT, of Albany; JOHN R. THURMAN, of Chestertown; WALTER UNDERHILL of New-York; PETER H. SILVESTER, of Cox-sackie.
- New-Jersey.....* ANDREW K. HAY, of Winslow; JAMES G. KING, of Hoboken.
- Pennsylvania....* SAMUEL CALVIN, of Hollidaysburg; JOSEPH R. CHANDLER, of Philadelphia; J. C. DICKEY, of New-London; J. FREEDLEY, of Norristown; MOSES HAMPTON, of Pittsburg; H. D. MOORE, of Philadelphia; CHAS. W. PITMAN, of Pottsville; ROBERT R. REED, of Washington; THADDEUS STEVENS, of Lancaster.
- Ohio.....* MOSES B. CORWIN, of Urbanna; NATHAN EVANS, of Cambridge; SAMUEL F. VINTON, of Gallipolis.
- Michigan.....* WILLIAM SPRAGUE, of Kalamazoo.
- Illinois.....* EDWARD D. BAKER, of Galena.
- Wisconsin.....* ORSAMUS COLE, of Potoni.

## NAYS--FREE SOILERS.

- New-Hampshire.* AMOS TUCK, of Exeter.
- Massachusetts...* CHARLES ALLEN, of Worcester.

NAYS—FREE SOILERS.—*Continued.**New-York* ..... PRESTON KING, of Ogdensburg.*Pennsylvania* ... JOHN W. HOWE, of Franklin.*Ohio*..... LEWIS D. CAMPBELL, of Hamilton, JOHN CROWELL,  
of Warren, J. R. GIDDINGS, of Jefferson, Wm.  
F. HUNTER, of Woodsfield, Jos. M. ROOT, of  
Sandusky.*Indiana* ..... GEORGE W. JULIAN, of Centreville.*Wisconsin*..... CHARLES DURKEE, of Southport.

YEAS, 109 ; NAYS, 75.

## ABSENT, OR NOT VOTING.

*Northern Whigs*.—Andrews, Ashmun, Bokee, Brooks, Butler,  
Casey, Clarke, Conger, Duer, Goodenow, Grinnell, Levin, Nes, Newell,  
Ogle, Phoenix, Reynolds, Risley, Rockwell, Rose, Schenck, Spaulding,  
Van Dyke, White—24.*Free-soilers*.—Wilmot, 1.*Northern Democrats*.—Cleveland, Gilmore, Olds, Peck, Potter,  
Strong, Sweetser, Thompson, of Iowa—8.*Southern Whigs*.—3.*Southern Democrats*.—12.

Total absent, or not voting—48.

Northern Democrats voting for the bill—27.

Northern Whigs voting for the bill—3 :

Elliott, of Massachusetts ; Taylor, of Ohio ;

McGaughey, of Indiana.

The members who intentionally absented themselves when this bill was about to be voted on, are less to be respected than those who boldly recorded their names in the affirmative. Some of the members who did not vote are known to be opposed to the bill, and will doubtless give a good reason for their absence at such a critical time. The dough-faces, who dodged as the vote was about to be taken, should be ascertained, and held up to the merited contempt of the world. Mr. Stevens, of Pennsylvania, after the passage of the bill, gravely rose, and suggested to the Chair the propriety of dispatching one of the pages, to inform his Whig friends who had gone out, that they now could return in safety, as the slavery matter was disposed of ! How mean and dastardly does the conduct of such " Whig

friends" appear, compared with the noble independence of Stevens and his respected coadjutors, both Whigs and Democrats, and Free Soilers, who, by their votes, stood up bravely for the Constitution and Human Rights.

It will be seen that the Representatives from the Free States numbered 141, while the number from Slave States was only 91. The former, therefore, had they all voted, could have killed the bill. A tremendous responsibility rests upon them. There were, it seems, 50 who were absent, or who dodged the question. Why did any one flee from the House to save himself from saying *aye* or *no*? Evidently because he feared to "face the music," or, in other words, he was afraid to meet his constituents if he voted *aye*, and trembled lest his party would lose their Southern wing, if he voted *nay*. There is no doubt that a large number of the dodgers from the Free States were convinced that a majority of their constituents were opposed to the bill, and that if they had voted in accordance with the views of those they were sent to represent, the bill would have been defeated. The people of the North, therefore, justly feel that they have been betrayed by their representatives, and in uniting with the people of color in resisting this bill, they are only carrying out their original intentions in the instructions given to their Senators and Representatives in Congress.

The above act was approved by MILLARD FILLMORE, a northern President of the United States, Sept. 18, 1850. The day he put his name to it will be a memorable one in his life. It will be *the* act of his administration, by which he will be distinguished in history. He is a lawyer; he knows what constitutional law is; and he has stood up in the Halls of his native State and denounced the encroachments of the Slave Power. But now we behold him basely truckling to the dictation of the South, instead of promptly and manfully VETOING the act, because affixing his signature to it would be a violation of his oath of office, a violation of the Constitution, and an outrage upon Civil Liberty. He had not, it seems, integrity and independence enough to act out the convictions of his understanding. He has thus shown that, instead of being the dignified chief of a nation, he is the instrument of Daniel Webster, the manager of the acting President, the tool of a party that is succumbing to the Slave Power in order to secure their votes at the next Presidential election. For shame!

We have said that the infamous Fugitive Slave Bill—it is not wor-



thy to be styled a "Law,"—is a palpable violation of the Constitution, and subversive of the first principles of Civil Liberty. Let this be made clear to the comprehension of every reader.

### THE BILL EXAMINED.

The most infamous feature of the bill is, that it compels every citizen of the free States to be a "*slave-catcher*."\* It appoints commissioners for the purpose, expressly authorizing them "TO CALL TO THEIR AID THE BY-STANDERS, OR *posse comitatus*, of the proper county"—in the matter of seizing, and holding, and dragging back to chattelhood, fleeing slaves, if they be found at the North. The *posse comitatus* is the power of the county. The militia, if the slave-catcher require it, may be called on, to hunt men and women and children, as wild beasts, and to restore them to slavery. And the 5th section has in it this most remarkable paragraph—

"ALL GOOD CITIZENS ARE HEREBY COMMANDED to aid and assist in the prompt and efficient execution of this law, whenever their services may be required."

We ask every citizen of New-York, if he does not feel all about his heart and conscience, that a law like that has no claim upon him and that it is absolutely void? We were once told by those who made this law, that "we had nothing to do with slavery." Verily slavery has much to do with us, and necessarily we have much to do with it, in whatever it has to do with us. It is not enough that it seizes our Northern seamen in Southern ports, and sells them into slavery—not enough that it denies the benefit of the laws, and mobs us when we go there to bring the cases of our enslaved and persecuted citizens before the courts—but with unaccountable insolence, it enacts that we shall return them to bondage if they escape to their Northern families and homes.

It constitutes at the North, in our neighborhoods, and by our fire-sides, the most anomalous, overshadowing, insulting, and despotic police that perverted mind can contrive, or guilty power sustain—a police which guilty power cannot sustain, until honor, and purity, and freedom have fled from among us, and we have consented to be the most drivelling, and base, and worthless slaves that ever crawled at the foot of Tyranny. Be it remembered, he who is forced to serve

\* In examining the bill we have made free use of the excellent remarks of the editor of the *Liberty Party Paper*, printed at Syracuse, N. Y.

is no more a slave than he who is forced to compel others to serve. Nay, we hold *that* slavery the most degrading, that forces us, whether we will or no, to *force others* into bondage, and keep them there for the use and benefit of inhuman monsters, who shake their manacles over both, and open our own prisons to both, if we fail to obey their insolent and hellish behests. This law leaves the freeman at the North no alternative. **HE MUST DISOBEY THE LAW.**

Let the following pledge be signed by men and women in every town in the free States, in regard to this matter:

### PLEDGE.

WHEREAS THE LATE ACT OF CONGRESS MAKES A REFUSAL TO AID IN THE CAPTURE OF A FUGITIVE A PENAL OFFENCE, THE SUBSCRIBERS BEING RESTRAINED BY CONSCIENTIOUS MOTIVES FROM RENDERING ANY ACTIVE OBEDIENCE TO THE LAW, DO SOLEMNLY PLEDGE OURSELVES TO EACH OTHER, RATHER TO SUBMIT TO ITS PENALTIES, THAN TO OBEY ITS PROVISIONS.

This Pledge should be printed, and circulated over the land, and can be returned by the 1st of December, to Lewis Tappan, 61 John street, New-York city, for the purpose of publishing the names; thus producing a powerful influence upon public opinion, and preparing the way for the repeal of this diabolical bill. And we advise that it be printed on handbills, and posted up in every dwelling-house, store, shop, manufactory, and other place of resort, that all may read it, and have their attention attracted to the PLEDGE, as it may be circulated for signatures.

The punishment for aiding in the escape of the fugitive, or for harboring him, is ONE THOUSAND DOLLARS, with IMPRISONMENT not exceeding six months, besides one thousand dollars, to be recovered in a suit for civil damages, for each fugitive thus aided or harbored.

Another aggravating feature of this Bill is, that it proposes a bribe to the cupidity of the sunken and worthless spirits, who, alone, will accept a commission under it. Mark the direct terms of this bribe:

"In all cases where the proceedings are before a commissioner, he shall be entitled to a fee of \$10, in full for his services in such case, upon the delivery of the said certificate to the complainant, his or her agent, or attorney; or a fee of five dollars, in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery."

The sordid villain who is to have this office, takes no salary with it, but is paid ten dollars for every man he adjudges to be a slave, and is to have \$5 in every case where he does not so adjudge.

Another peculiarity of this law is, that it makes no exceptions on account of color. We mention this, not because we detest it any more for that—for indeed we like it the better on that account—nevertheless, we wish our white citizens to understand, that our Congress have directly opened the door, by statutes, for the enslavement of our own children. It is unaccountable, that parties, for party purposes, can thus resolve their government into a despotism the most downright that has ever existed! It will be more astonishing still, if the people have so little respect for human freedom as to submit to it. The effect of the law, if carried out, according to its letter and intent, is to make the Free States the Guinea of America, where the dealers in human flesh may hunt, and prowl, under the auspices of the general government, and pick up their victims, black and white together, for the southern market.

The only evidence which is required of a southern kidnapper is, that he give his own "*deposition or affidavit*," before a judge or commissioner, or justice of the peace, in "*the State or territory from which such person owing services has escaped*," and such judge or commissioner shall deliver to such claimant, or his agent, a warrant, which shall be his *authority* "to use such reasonable force or restraint as is necessary" "to remove him (the person claimed) back to the State from whence he fled." And to cut off all hope of the poor man who is thus pounced upon, it is further expressly provided, as follows:—

"IN NO TRIAL OR HEARING UNDER THIS ACT SHALL THE TESTIMONY OF SAID ALLEGED FUGITIVE BE ADMITTED—and *the certificate in this and the first section mentioned*, SHALL BE CONCLUSIVE OF THE RIGHT OF THE PERSON OR PERSONS IN WHOSE FAVOR GRANTED, TO REMOVE SUCH FUGITIVE TO THE STATE OR TERRITORY FROM WHICH HE ESCAPED, AND SHALL PREVENT ALL MOLESTATION OF SUCH PERSON OR PERSONS BY ANY PROCESS ISSUED BY ANY COURT OR JUDGE, MAGISTRATE, OR OTHER PERSON WHOMSOEVER."

"A human being," says Judge Jay, in commenting upon this law, "is stripped of every right, and reduced to the condition of a vendible beast of burden, with less ceremony, and with more celerity, than one neighbor can recover of another the value of a pig in any Court of Justice. The Constitution of the United States secures a trial by

jury in suits at common law in all cases where the value in controversy exceeds TWENTY DOLLARS; but here, where the matter in controversy is the liberty of an immortal man, and all his hopes of happiness in the life that is, and that which is to come, no jury is allowed; but a village postmaster, (or any other person appointed commissioner,) with the promise of ten dollars if he decides for the slaveholder, and of only five if against him, is deemed a sufficient tribunal for the protection of a human being, to whom the Creator has pleased to give a dark-colored skin."

Take the case of the late Professor Webster. If he had been poor, the court would have assigned him counsel. No one, ever so villainous or criminal, arraigned for the most heinous crime, is deprived of all the aid and lenity our courts can bestow. But if a man is charged with the offence of being a slave, all such aid is denied him, and the "law" wreaks its vengeance upon his defenceless head. Surely "the throne of iniquity" has been framing "mischief by a law."

Who ever heard of so atrocious a law? One man, on his own deposition or affidavit, allowed, by order of a commissioner, to claim another man or woman as his property!—forbid to repel the affidavit or deposition with his own!—forbid any defence whatever, however abundant his means of defence, and to be delivered over by the warrant of such commissioner to the claimant, whose character and claims such commissioner may not allow him or her to impeach in any manner whatever!—given over, him and his posterity for ever, to eternal bondage! Will not God's curse smite the heartless villain who will attempt to execute such a law? Do we deserve to be a free people; can we expect to escape the anger of Heaven, if we do not smite the law and its executors together in the dust?

The certificates referred to in the above paragraph, are, the certificate of the judge or justice in the slave State or Territory, that the affidavit or deposition was in fact taken before him, and which is sealed by him, thereby giving it the force of Record, and unimpeachable and conclusive evidence against the fugitive; also the certificate of the commissioner, that the slave has been brought before him on the former affidavit and certificate, and by him delivered over to his tormentors. These are the only certificates mentioned in this act. It is apparent, therefore, that there is nothing like a trial in the case. To know that there is not, we need but revert to the 6th section, which gives the proceedings before the commissioner, and compare them with the

proceedings authorized under the 10th section, before a court. In the latter case, the claimant is required to "*make satisfactory proof*;" in the former, he presents only the certificate of his own deposition, made out by a judge or justice of a foreign State, and in the latter he is required to resort to common law proof, (because the courts may make judgment, or act in no case whatever but upon common law proof.) The proceedings under this statute are authorized, therefore, expressly to evade common law remedies and rights, and give the victim over to his demandant without common law protection or remedy, against every principle of law or justice sanctioned by any jurisprudence of any people whatever. The defendant is expressly denied the right to prove that the papers adduced against him are a forgery.

It will be seen that the proceeding under this act is entirely *ex-parte*—the order of the commissioner is *ex-parte*, even in the face of the defendant—the whole proceedings are on the part of the demandant, and no act, proceeding, resistance, or defence whatever are allowed to the defendant. Submission to his demandant is all that is admissible on his part. The same section that provides the commissioner to effect the intent of the statute, authorizes the demandant to arrest the person of his victim *without aid*. The appointment of the commissioner is but to supply the lack of physical power in the claimant to seize and enslave his victim. Had he power, in his own person, to arrest and return the fugitive, the law would not be called for, and would not have been enacted. But he has no such physical power, and therefore Congress authorizes this means to aid the slaveholder in the premises, with the physical power of the States. There is therefore nothing resembling, as to form or intent, the doings of a court of law in the matter. It is simply a mode prescribed, in the form of law, by which the nation shall engage in behalf of the most squalid and limitless despotism that can exist among men. The commissioner is an agent only in one state of the case—and the *posse comitatus*, or the militia of the country, and "ALL GOOD CITIZENS," are forced into the army in another state of the case, to gratify the individual wishes, interests, or intent, of the most absolute despot that mind can conceive of, or power create. It is said, sometimes, that "Congress cannot make a slave or a king." This most atrocious act reverses this position, and expressly creates the relation of "King and Slave," and that too under the most objectionable and revolting circumstances.



Not only does this law take from all Northern men every legal right, but it forbids all the tribunals of the country, whether state or national, to interfere in their behalf, if demanded as Slaves, by any perjured scoundrel who may have the audacity to make the demand and swear to it. The Constitution of the United States declares that the "*Habeas Corpus shall not be suspended.*" This act pointedly destroys it, by providing, as it does, that the certificate of such commissioner "SHALL PREVENT ALL MOLESTATION OF SAID PERSON OR PERSONS (the claimant and his agents) BY ANY PROCESS ISSUED BY ANY JUDGE, MAGISTRATE, OR OTHER PERSON WHOMSOEVER." The *Habeas Corpus* is a "*process issued*" in behalf of freedom. This law declares that such writ shall not issue when Slavery demands any man, woman, or child, of any color, or condition, as a Slave.

Again. This law applies as well to apprentices and minors as to slaves. It gives the aforesaid unaccountable power and authority, in all cases in which persons are charged as "*fugitives from labor.*" The word slave, or *slaves*, is not used by the act. It treats only of "*fugitives from service or labor.*" In no case are the subjects of this severity called slaves. This act, then, reverses all the laws of this State, and other States, regulating "*masters, apprentices and servants,*" as well as of "*parent and child*" in this regard. A Southern man-thief has but to come among us, and demand *our* children as *his* children, and claim that they "*owe him service,*" or demand them as *apprentices* who "*owe him service or labor,*" and they are expressly forbid the right to try the question whether the villain's claim is true or false. The commissioners in such case are ordered by the letter of the act to give them up and tote them off to legal bondage. The statutes of the State giving jurisdiction, and made to try the right before its own Judges and Justices, are all reversed, and the helpless youth is given up without trial, on the *ex-parte* affidavit of a foreigner, which he may not controvert or impeach, to go hence for ever. Were this law to be construed to be applicable to parent and child, and master and apprentice, alone—as by its terms it is only applicable—its provisions would be regarded as too atrocious and despotic to be obeyed. Men, nor women, nor children, sons nor servants, masters nor apprentices, would consent that slaveholders of foreign States should, by so rude a tyranny, break up the primeval and dearest relations of society among us. And yet Congress, to aid cruel men to hold other men and women as cattle, has expressly interfered with our own domestic

relations, and expressly thrown down every barrier, exposed them to the human wolves and lusty man-thieves who prowl for prey amid the desolations of slavery.

A father, or mother, or master, are expressly forbid to defend their son or daughter, or apprentice, against the demand of a slaveholder of a slaveholding State, if such demand is but supported by the deposition of a person unknown to such father, master, son or apprentice in a foreign State, and who therefore could not be confronted or cross-questioned by them; but such son, daughter or apprentice is ruthlessly torn from his parental relations, by the power of a free State, (which may God forbid,) and given over to the blackness of darkness of slavery. The blood almost curdles at the recital. If such an enactment had been promulgated as the decree of the Russian AUTOCRAT, or the military order of the bloody HAYNAU, men would shudder. Yet Daniel Webster could go for the bill to the "fullest extent," and Moses Stuart could say of him, "Posterity, divested of partizan feeling and prejudice, will erect to him a lofty monument."

### UNCONSTITUTIONALITY OF THE BILL.

Senator CHASE, in his speech of March 26th, said:—

I ask Senators, who propose to support that bill, where they find the power to legislate on this subject in the Constitution? I know to what clause I shall be referred. I know I shall be told that the Constitution provides that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." But this clause contains no grant of legislative power to Congress. That power is conferred exclusively by special clauses, granting legislative power in respect to particular subjects, and by the eighth section of the first article, which, after enumerating the specific powers of Congress, proceeds to declare that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

Now, Sir, what power is vested, by the clause, in relation to fugitives from service, in the government, or in any department or officer of the government? None at all; and if none, then the legislative power of Congress does not extend to the subject. The clause is a clause of compact. It has been so denominated by every Senator who has had occasion to speak of it. The honorable Senator from Massachusetts told us that he "always thought that the Constitution addressed itself to the Legislatures of the States, or to the States themselves; that he had always been of the opinion that it was an injunction upon the States

themselves." If this opinion be correct, the power of legislation and the duty of legislation must be with the States, and not with Congress."

We are not prepared, I hope, and I trust we never shall be prepared, to give the sanction of the American Senate to the bill and the amendments now upon our table—a bill which authorizes and requires the appointment of two hundred and sixty-one commissioners, and an indefinite number of other officers, to catch run-away slaves in the State of Ohio; which punishes humanity as a crime; which authorizes seizure without process, trial without a jury, and consignment to slavery beyond the limits of the State, without opportunity of defence, and upon *ex-parte* testimony. Certainly no such bill can receive my vote."

Furthermore, the Bill suspends the *Habeas Corpus Act*,\* the great bulwark of liberty, the *Magna Charta* of the civilized world. In Section IX. of the Constitution is this clause:

"THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED UNLESS WHEN, IN CASES OF REBELLION OR INVASION, THE PUBLIC SAFETY MAY REQUIRE IT."

There was no "rebellion or invasion" in the land when the Bill was passed, although it is impossible to tell how soon the fact will be otherwise, if its diabolical provisions continue to be carried out. The Bill, as has been shown, is not confined to fugitive slaves; it *includes all "fugitives from service or labor," be they white or colored.* The Fugitive Slave Bill, Section VI., constitutes the commissioner a court, from whose decision there is no appeal! There shall be no "molestation of said person or persons, by any process issued by any court, judge, magistrate, or other person whomsoever." The commissioner, whoever he may be, a Postmaster, Collector, Tide-waiter, Ward Justice, Street Inspector, Clerk of the Market—in the recent case, the Clerk of the Circuit Court—is constituted the High Court of Judicature, his decree is irreversible, and neither any judge of the State Courts, or United States Court, can issue the writ of Habeas Corpus, for the purpose of inquiring whether the person has been illegally deprived of his liberty.

By an act of the State of New-York, and by similar acts of other States, a slave brought into the State by his master shall be free. But the Fugitive Slave Bill appears to trample upon the State laws in this respect. Such a person—once a slave—may be arrested under

\* *Habeas Corpus*.—"You may have the body before the Court." This is the great writ of personal liberty. It lies, where a person being indicted or imprisoned, (and an illegal arrest is in law an "imprisonment,") unlawfully or unconstitutionally, applies to another tribunal for relief in the premises.

the Bill, be taken before a commissioner, and be remanded into slavery. The decision of the upstart commissioner-judge, is "conclusive;" there shall be no molestation by *any* process issued by *any* court, judge, magistrate, or other person whomsoever! It is true that the language of the bill is, that slaves who shall escape *from one State into another State*, may be arrested and remanded back; but in the phraseology of slaveholders it is an "escape"—a constructive escape—to run away from the master anywhere.

In the celebrated Prigg case, in Pennsylvania, Judge Story, in the name of the Supreme Court of the United States, gave an opinion that the law of 1793, upon which the late Fugitive Slave Bill is founded, was in some respects not free from reasonable doubt or difficulty as to its constitutionality, viz.: in that part that conferred authority on State magistrates to issue process, &c., for the reclamation of fugitive slaves, and which has been generally understood to require them to perform this service. Eminent jurists in several States have long since given similar opinions. Hon. Thaddeus Stevens, of Pennsylvania, during the recent session, in his place on the floor of the House of Representatives, pronounced the law of 1793 INFAMOUS. Congress cannot confer jurisdiction upon a court not created by the Constitution and laws of the United States; and transcended its powers in this way, in the enactment of the law of 1793, which was besides unconstitutional, because it authorized the Federal Courts to try a claim to a man as a slave, without the intervention of a jury. The Constitution (Art. 5 of the Amendments) says that no person shall be "deprived of life, liberty, or property, without due process of law." And Art. 6th provides that in criminal prosecutions, (and the proceedings in the case of Hamlet were of a criminal nature,) the accused shall enjoy a speedy and public trial by jury, and be confronted with the witness against him. Neither the law just passed, nor any other, can constitutionally take away this right, or authorize any commissioner or court to determine a case affecting the *life or liberty* of an individual in a "summary manner." It is vesting such commissioner or court with power as absolute as that of the "Star Chamber," or "Turkish Kadis." It has been well said that the courts of the United States have power to appoint commissioners to take affidavits and acknowledgments of bail; but they do not possess, and cannot receive, authority from Congress to delegate to a commissioner the power of trying a cause.

We see that the Bill enacted by Congress in 1793, approved by



President Washington, acquiesced in for more than fifty years, is pronounced unconstitutional, or, in the carefully-worded language of the Supreme Court, "not free from reasonable doubt as to its constitutionality," in one or more of its principal provisions, by the decision of the highest judicial court of the country. It shows that the gentlemen in both Houses of Congress, when they enact laws under the screws of party, and amidst champagne, clamor, and cries for the "previous question," may be enacting unconstitutional statutes. If they do this in one case, they are liable to do it in another. Infallibility does not pertain to such a body of men as compose the present House of Representatives.

The clause of the Constitution, already referred to, says: "No person held to service or labor in one State under the laws thereof, *escaping into another*, shall be delivered up," &c. Mark the expression. The meaning clearly is 'another State,' not a Territory. A slave, then, escaping from a *Territory* of the United States into one of the *States*, cannot constitutionally be pursued and remanded into slavery.\* Of course, that portion of the Fugitive Slave Bill, which authorizes the arrest of an alleged slave who has fled from the District of Columbia, the certificate of the commissioner, and the carrying back, in chains, of the prisoner, by the marshal, is unconstitutional, and therefore void. It will be observed that in the last section the law confers jurisdiction upon a State Court of Record. It is settled that Congress cannot confer jurisdiction upon any court not created by the Constitution and laws of the United States.

Among the fundamental principles of a free people and a constitutional government, are these—The right of an accused person to meet his accuser or claimant face to face, to examine his witnesses in Court, to employ counsel, and should he be poor, to have counsel assigned by the Court, and to be TRIED BY AN IMPARTIAL JURY. Even men accused of the most atrocious crimes can legally claim each and all these privileges; and after conviction, so lenient is the law, and so humane the practise, that great forbearance is shown to the convict. He may move for a new trial, and have the question elaborately argued; the Court, after advisement, delivers a formal opinion; the executive pa-

\* Whoever defends William C. Chaplin, must take the ground, that it is no crime, under the Constitution, to aid a bondman to escape from the District of Columbia into Maryland, or any other State; to say nothing here of the fact that Slavery itself does not constitutionally exist in the District of Columbia.



tiently listens to the entreaties and arguments of friends. Meantime the prisoner is treated with kindness; he may receive the visits of his family; and in all the proceedings, both before and after conviction, justice is tempered with mercy. But in the case of a poor man, arrested under the Fugitive Slave Bill, none of these things are meted out to him. He may be decoyed, as was Hamlet, under lying statements, by governmental officials, to a court-room; no counsel is assigned to him; he is not permitted to send for his friends; testimony against him is taken in an adjoining apartment; he is adjudged by some understrapper, unconstitutionally clothed with high judicial powers, to perpetual slavery; is hand-cuffed in the court-room, denied the melancholy gratification of bidding his wife and little ones a final adieu, or even the miserable consolation of apprising them of his situation; and in hot haste is carried to a Southern dungeon. This is done, not in a land of savages or pirates, but in a Christian city—in the Temple of Justice, by men of respectable descent and standing! “The law allows it, and the court awards it.” Northern men willingly become slave-catchers, and take great delight in obsequiousness to Southern slaveholders, and in truckling to their arrogance. Even the sons and grandsons of illustrious men are content to wear Southern livery. The law requires that the proceedings shall be “summary,” and the ministers of the law, with demoniacal impetuosity and cruelty, administer it to the letter. Gracious heavens! Do we live in the land of the pilgrims? Does the blood of Hampden and Sidney flow in our veins? Are we the countrymen of Patrick Henry? Did Lafayette fight to achieve our freedom? Is this the model Republic? Are we MEN?

It is said, “The compromises of the Constitution must be observed; these men are not citizens, but only slaves.” This is said by those who basely submit to the violation of the Constitution by South Carolina, in imprisoning colored seamen, citizens of Massachusetts, and selling them to pay jail fees, when the Constitution declares, “the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.” But it is not fugitive slaves alone that the Bill reaches. Every colored person in the free States is liable to be arrested and to be carried into slavery by the practise under this Act. The affidavit of a slaveholder, and the testimony of some perjured accomplice among our own citizens, will be deemed sufficient by many of these commissioners to entitle the claimant to a certificate. It is

in view of this that the Bill has carried consternation into the dwelling of every free colored family in the free States, and that men, women and children, born of free parents, and peaceably pursuing their honest occupations, have their heart-strings broken, and are now living by day and night in constant dread of molestation. Nor is this all; the Bill, as before stated, makes no allusion to colored people; it applies to persons of all complexions and in all conditions. The liberty of every citizen is placed in jeopardy by this "Bill of Abominations." The oath of any two miscreants, before a corrupt and nefarious commissioner, is sufficient to deprive him of his freedom, and hurry him to a Southern jail. If this Bill is submitted to, in the case of a fugitive, free colored, nay, white citizens, have no liberty left to boast of, and had better be citizens of Turkey than of the United States of America. Let those who voted for the Bill, or, being able to attend upon their legislative duties, "dodged" the question, be made answerable at the bar of public opinion, and be consigned to perpetual ignominy; let an indignant rebuke everywhere go forth in relation to those who counselled the executive to sanction it; let the Chief Magistrate, who wrote "approved," be remembered by an insulted people; and let the watchword be throughout every free State, in every city, town and village, **THE REPEAL OF THE INFAMOUS BILL!**

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## APPENDIX.

### MEETING OF THE COLORED POPULATION.

#### THEIR DENUNCIATION OF THE FUGITIVE SLAVE BILL.

A meeting of colored people was held on the evening of October 2d, at the Zion Chapel, Church street. The building, which is capable of holding 1,500 persons, was crowded to excess, two-thirds of those present being women of color. The following is a copy of the hand-bill by which the meeting was convened:—

#### THE FUGITIVE BILL !

THE PANTING SLAVE !

FREEMEN TO BE MADE SLAVES !

Let every colored man and woman attend the GREAT MASS MEETING to be held in

ZION CHURCH,

Church street, corner of Leonard, on

TUESDAY EVENING, OCTOBER 1, 1850,

for your Liberty, your Fire-side is in danger of being invaded ! Devote this night to the question of YOUR DUTY in the CRISIS.

Shall we resist Oppression ? Shall we defend our Liberties ? Shall we be FREEMEN or SLAVES ?

By order of the Chairman of the Committee of 13.

Shortly after seven o'clock, William P. Powell was, on motion, called to preside.

The Vice Presidents were—Messrs. J. M. Smith, J. Powers, Rev. S. White, D. Bush, Rev. S. E. Cornish, E. Harrington, J. H. Putnam, Rev. J. T. Raymond, J. Harris, S. Drayton, Rev. H. Wilson, A. Lyons, J. J. Jefferson, J. Jaffers, J. Purnell, R. H. Cousins, H. Williams, Capt. P. Hawkins, E. A. Potter, and P. Guion.

Secretaries—T. J. White, M. D., P. H. Reason, R. Hamilton.

The meeting was opened with prayer by the Rev. Mr. White, who supplicated for victory over their enemies, and besought the Omnipotent Power to guide and protect those who are going to the land where men do not trample on one another.

The President, in addressing the assemblage, said:—Fellow-citizens,—In all things that have beauty, there is nothing to man more comely than liberty. Give me the liberty to know, to utter, and to argue freely, above all liberties. (Cheers.) A more important subject than this never, in the history of this country, came before the American people, and it is nothing more nor less than this—Shall we submit to the iniquitous Fugitive Slave Bill, which subjects every free colored man, woman and child, to be seized upon, hand-cuffed, and plunged into perpetual slavery? Shall the blood-thirsty slaveholder be permitted, by this unrighteous law, to come into our domiciles, or workshops, or the places where we labor, and carry off our wives and children, our fathers and mothers, and ourselves, without a struggle—(loud cries of "No, no,")—without resisting, even if need be, unto death? (Cheers.) Or shall we sit down and tamely submit our necks to the halter, and our limbs to the shackles, and clank our chains to the sweet music of passive obedience? (No, no.) Every step which we may take, whether it be backwards or forwards, will be followed by consequences vast and momentous. Let us be united as one man, regarding our first rights as inherent and inalienable. There are a thousand and one ways by which the unsuspecting colored man, woman and child may be entrapped into the hands of the black-hearted, villainous kidnapper, and spirited away into slavery almost instantly. The case of James Hamlet, the fugitive, is in point. There is one victim. Will you submit that there may be more? (Loud noes.)

Hear ye no rumblings in the air?  
Hear ye no earthquakes underneath?  
Up, up, why will you slumber where  
The sleeper only wakes in death?

You are told to submit peaceably to the laws; will you do so? (No, no.) You are told to kiss the manacles that bind you; will you do so? (No, no, no.) The law is made by the people. The people have told you that you must do so; will you obey them? (No.) Upon your decision this night hangs the liberty of millions. This covenant with death, and agreement with hell, must be trampled under foot, resisted, disobeyed, and violated at all hazards. (Cheers.) When the mother country imposed upon the infant colonies the three-and-a-half per cent. tax, and the stamp act, the very first blood that was

shed, was shed in resistance of the odious act by a colored man ; the first martyr to American independence, nobly led on the mob of white men, and was the first to receive the fire of the British soldiery ; and throughout the Revolutionary and late war, colored men stood side by side with white men, and achieved a most glorious victory in the name of liberty. We have met this night to decide, not whether we will pay the government a three-and-a-half per cent. tax, or an impost duty, but whether we will suffer ourselves and families to be made slaves. And, O Powerful Goodness, Bountiful Father, Merciful Guide, increase us in that wisdom which discovers our truest interest. (Cheers.) The President having called on the meeting to act peaceably, concluded by saying that they had asked the Mayor what course they were to pursue, in the event of free colored men and women being seized and spirited away to slavery, but that functionary had not thought proper to answer them.

The several sections of the Fugitive Slave Bill were then read amid interruptions, execrations, and cries of Shame. At the conclusion, a voice in the gallery asked, was there no more of it ?—an interrogatory which excited the risibilities of some, which were, however, checked by the President, who told them it was too solemn a question for merriment.

Mr. GEORGE T. DOWNING then read the following resolutions, which were received with cheers and expressions of approbation :—

*Whereas*, the Congress of the United States has passed a law for the avowed purpose of reclaiming persons owing service in one State and escaping into another, and approved by Millard Fillmore, the President of the United States, on the 18th day of September, 1850—

*And whereas*, the operation of said law allows any person in the Southern States to go into any court, or before any Justice of the Peace, or any other person authorized to take depositions in any State or organized Territory of the United States, and swear that any colored person owes him or her service or labor, and has escaped therefrom, and may take out a warrant for the arrest of such person in any United States Court, in any State or Territory, and seize such person, with or without a warrant, and command the assistance of bystanders to make the arrest—

*And whereas*, any person so arrested may be taken before any United States Court in any State or Territory of the United States, and deprived of his or her liberty in a summary manner, by any Judge, Justice, or Commissioner of the United States—

*And whereas*, any person so arrested and tried, is stripped of the right of trial by jury, deprived of the writ of *habeas corpus*, contrary to the provisions of the Constitution of the United States—

*And whereas*, any white person may seize and arrest any colored person, and drag him or her by violence before any United States Judge, Justice or Commissioner, and swear away the liberty of any person so arrested—

*And whereas*, any person assisting another to escape, either before



or after trial, or is known to conceal a person claimed as a slave, is subject to a fine of one thousand dollars; and thus, in every possible way, placing the liberty of colored persons in every State or Territory of this Union completely at the mercy of slaveholders or their agents, with every safeguard of liberty stricken down—Therefore,

1. *Resolved*, That we utterly repudiate the law and its provisions; that it is so repugnant to every principle of justice, that it can have no binding force whatever upon us; and that we do here, in the sight of God and before all men, declare, that should any one attempt to execute its provisions on any one of us, either by invading our homes or arresting us in the street, we will treat such an one as assaulting our persons with intent to kill, and, God being our helper, will use such means as will repel the aggressor, and defend our lives and liberty.

2. *Resolved*, That we are worthy neither of our homes nor of the confidence of our wives and children, unless we are prepared to sacrifice ourselves freely, if necessary, on the altar of freedom and in their defence.

3. *Resolved*, That the teachings and examples of our countrymen, the promptings of our nature as men, as well as our duty towards God, tell us, that whenever the unjust provisions of this law against God and humanity shall be attempted to be enforced against either of us, it were far better that a thousand lives perish in the rescue, than that a single human being be permitted to be dragged from our midst into hopeless bondage; and that we desire no grave prouder than that over which shall stand the monument, and no page of history prouder than that which shall second the deed, of such rescue.

4. *Resolved*, That it has ever been our aim and earnest desire to be good law-abiding citizens, and that we will strive such to be; nevertheless, we cannot for one moment entertain the idea of compliance with the terms of that bill, its force being lost in the fact that it is at variance with the laws of our nature and of God; and further, because we believe it to be at variance with the spirit and letter of our Declaration of Independence, and of the Constitution established under that Declaration.

5. *Resolved*, That the provisions of the Fugitive Slave Bill of 1850, leaving us no other alternative, we must adopt the motto of our sister State, Virginia—"Resistance to tyrants is obedience to God."

6. *Resolved*, That we declare to Mason, and the aiders and abettors of this arbitrary and despotic law, in the language of Daniel Webster, "that there is something on earth greater than arbitrary and despotic power; the lightning has its power, and the whirlwind has its power, and the earthquake has its power—but there is something among men more capable of shaking despotic power than lightning, whirlwind or earthquake—that is the threatened indignation of the civilized world."

7. *Resolved*, That "God willed us free—man willed us slaves. We will, as God will; God's will be done."

8. *Resolved*, That inasmuch as desperate efforts are being made to



reclaim fugitives who have fled for liberty—to reclaim them at all costs—we, sympathizing with such fugitives, and believing that they would be justified therein by the promptings of nature, by the precepts of Patrick Henry and of Washington, by the glorious example of Madison and Washington, do council them to do as we would—to arm themselves with the surest and most deadly weapons; to resist unto death, for which, if they be not prepared, we advise them to repair, with all possible dispatch, to where the law, as well as nature, proclaims them free.

9. *Resolved*, That in giving ten millions of dollars to the South, for land which the South never owned—in promising to pay one thousand dollars each to the South, for every bondman who may escape therefrom—in converting her once free soil into a hunting-ground for the panting fugitive, and in offering to her own citizens a bribe on the one hand to join in the chase, and fine and imprisonment on the other hand for refusing to do so, the once free North has sold herself, body and soul, to the dark spirit of slavery; and has, through her chosen President and subservient members of Congress, declared, “in tones that will pierce the ears of half the human race, that the last great experiment of representative government has failed,” and has “caused millions of eyes of those who fed their inherent love of liberty upon the success and prosperity of the American example, to turn away from our deep disgrace, with dissatisfaction and disgust; and has caused the doctrine of the divine right of kings to feel, even in its grave, a returning sensation of vitality and resuscitation.”

10. *Resolved*, That we call upon all American citizens, who have any regard for constitutional law, or any reverence for the history of our glorious past, or any pride in our national reputation abroad, to join in the cry of repeal—repeal the infamous bill, which barter the life and liberty of a freeman for the oath of any wretch who may swear that he is a slave.

11. *Resolved*, That we will circulate petitions to the Legislature of this State, calling for a law to protect its free colored citizens from slavery; and for resolutions instructing the members of Congress to urge the repeal of the Fugitive Slave Bill.

12. *Resolved*, That we will send petitions to Congress, praying for the repeal of the Fugitive Slave Bill of 1850.

13. *Resolved*. That, actuated by nothing other than pure humanity, in attempting to carry out these resolutions whenever necessity requires them, we will further endeavor to infuse their healthful spirit into the minds and hearts of our fellow-citizens.

14. *Resolved*, That the President of this meeting be appointed to receive the names of all persons who may be willing to act on the Secret Committee; and all persons who are fugitive to report themselves to the Chairman of the meeting, who must have their real name, and the name of their master, in order that the Secret Committee may know what to do in the premises.

The resolutions were sustained in spirited speeches by Messrs. George T. Downing, John S. Jacobs, Rev. Charles Gardner, Jacob

Russell, Junius C. Morrell, St. de Remy, Benjamin Stanley, and Edward V. Clarke. The speakers were much applauded. At the close Rev. Charles B. Ray came in and announced that the sum of \$800 had been raised (the first hundred of which was given by a colored man, ISAAC HOLLENBECK,) to redeem Hamlet from bondage. At this information great cheering took place, and soon after, the meeting adjourned, it being then near midnight.

### RESTORATION OF JAMES HAMLET.

The sum of eight hundred dollars having been subscribed in this city and neighborhood, (\$100 by a colored man, Isaac Hollenbeck,) a benevolent individual kindly volunteered to go to Baltimore, redeem James Hamlet, and accompany him back to New-York. He went in fetters, but returned a free man.

A great demonstration was made in the Park, on Saturday, the 5th October, on the arrival of Mr. Hamlet. Four or five thousand citizens, white and colored, assembled at noon, to welcome him back to his family and chosen residence. Mr. JOHN P. THOMPSON was called to the chair. Addresses were made by Messrs John J. Raymond, Robert Hamilton, Charles B. Ray, and Wm. P. Powell. Much joy and enthusiasm was manifested. The speakers were heard with the deepest attention, and were frequently cheered while depicting the unjust and cruel privations to which the people of color are subjected in this boasted land of liberty, and in being obliged to seek shelter from persecution and slavery under a monarchical government, which once oppressed this nation, and now affords an asylum to its citizens fleeing from the oppression of the government of the model Republic! Hamlet stood at the right of the chairman, and tears ran down his cheeks while the speakers described the horrors of slavery. The following resolutions were passed, when the ransomed MAN was escorted to his home, amidst great cheering, shouting and rejoicing.

*Whereas*, pursuant to the passage of the unconstitutional law enacted by Congress at its last session, James Hamlet, a citizen of Williamburgh, was arrested and sent into slavery in Maryland, without due proofs of law; and

*Whereas*, through the generous contributions of kind friends of this city, the freedom of James Hamlet was purchased for eight hundred dollars, and he is now restored to the bosom of his family; therefore

*Resolved*, That we hail with joy this hour, not only because it restores to us our brother, whom we had given up as lost to the partner of his bosom—lost to his children and home—lost to friends and society—lost to all church privileges, and every thing which illumines our pathway to the tomb—but because we believe it to be the beginning of the time of our complete enfranchisement.

*Resolved*, That we render a thousand thanks to those noble men who have so generously contributed to the emancipation of James Hamlet, and we invoke upon them the blessings of the God of the oppressed.

JOHN P. THOMPSON, President.

|                |                    |
|----------------|--------------------|
| ALBRO LYONS,   | } Vice Presidents. |
| J. M. SMITH,   |                    |
| L. NAPOLEON,   |                    |
| WM. C. INNERS, |                    |

WM. P. POWELL, Secretary.

✓ *Mass. Anti-Slavery Socy*  
5  
May 26 1848  
AMERICAN SLAVERY.

LETTER OF EDWARD BAINES, ESQ.

EDITOR OF THE LEEDS MERCURY.

[*Re-printed as a Tract for the Leeds Anti-Slavery Association, by the kind permission of the AUTHOR.*]

TO THE

EDITORS OF NEWSPAPERS

IN BOSTON, MASSACHUSETTS.

GENTLEMEN,

DEJECTED, astonished, distressed, and all but despairing, after the perusal of the Boston newspapers relative to the capture of ANTHONY BURNS, the fugitive slave, in your city, I take up my pen, at the simple impulse of duty, and in the feeble hope that you may not be uninterested in learning "how it strikes a stranger."

KNOWN to few in your great Republic, I may be permitted to introduce myself as one of the warmest friends to a perpetual brotherhood between New and Old England, as an earnest admirer of the founders of American Independence, as one who venerates the heroic Pilgrim Fathers, as a lover of Popular Education, of Voluntary Religion, of Temperance, of Representative Government, and of Freedom. I am not a Republican, and I do not approve of all your institutions; but from my heart I sympathize with the spirit of progress which is carrying on the United States to a foremost place among the nations, and I wish you all prosperity.

WITH no shadow of prejudice, then, still less of unfriendliness, and far removed from all the passions of American party, I ask you to listen to the impressions produced on an Englishman—I may confidently say, on *all* Englishmen—by the events which have lately agitated your city, and still more by the passing

of the Nebraska Bill in Congress. Honourable and good men cannot be indifferent to the opinion of a whole Christian nation. Wise men cannot but admit that the judgment of disinterested parties is entitled to some respect.

It is, then, Gentlemen, with pain and astonishment not to be expressed, that the best friends of the United States in England have seen Boston on the brink of revolution, and Congress torn with desperate strife,—the first, on occasion of sending back a fugitive slave to bondage, and the second in enacting a law which gives up the vast centre of North America to be the domain of Slavery. That such causes should have produced such consequences has not surprised us; but that such causes could *exist* in a land of democratic liberty, of Christian institutions, of general education, and a free press, is only to be credited on irresistible evidence.

ENGLISHMEN are not so unjust as to forget that the institution of Slavery existed in the United Provinces before they became the United States. Nor are they so unreflecting as to be blind to the enormous difficulties which must attend the removal of such an institution. They can understand the struggle of interested planters, accustomed to regard their slaves as property, and as indispensable to the cultivation of their estates. They can appreciate the forbearance which a Free State may feel even towards a Slave State, linked with it in a great political confederacy. But they would have thought that an evil so crying and a wrong so flagrant as Slavery must ere this have been extinguished, under the influence of that spirit which tore a comparatively slight yoke from the neck of your fathers, and still more of those principles which have covered your land with the means of Christian ordinances. It has been so with us and with several European nations, and we hoped it would have been so with you. Our Colonial Slavery withered before the advance of Christianity. It only required

that the facts should be known to a people who prized freedom for themselves, and who acknowledged the just, merciful, and loving spirit of the Gospel, to become perfectly untenable. Neither the people nor the Parliament could endure it. As you know, they bought the freedom of all the slaves in the British colonies, at the price of a hundred millions of dollars. We therefore looked for an equal, if not a more rapid and splendid, triumph of justice among you. It seemed as if, by moral necessity, justice must continually be gaining ground upon injustice,—as if the cause of right must by an innate force mount over all obstacles, and destroy the cause of oppression. Your noble Declaration of Independence appeared, like the pillar of fire and cloud between the Israelites and Egyptians, to smile upon the sons of freedom, and to frown darkly upon the oppressor. You were, therefore, expected to seek out and find some means of delivering the slave from his bonds. Without pronouncing how the end was to be accomplished, its actual accomplishment was thought to be inevitable. If money was required, you, who have bought half a continent, could not lack the pecuniary means. If either gold or territory was needed, the owners of California, and of the almost boundless expanse of virgin soil from the Mississippi to the Pacific, were in a condition to offer any price. Or if this was not the right way of proceeding, the difficulty should not have conquered the unconquerable spirit of American freemen. At the very least, it was believed that you would not allow the territory of Slavery to be extended by a single league,—that you would gradually contract, if you did not suddenly annihilate it,—that Slavery would soon dwindle, pine, and sink ashamed into its grave,—that the spirit of liberty and Christianity would achieve another and higher triumph on your soil, to win the admiration of mankind.

BUT, alas! how have these reasonable hopes been dashed to the earth! Instead of a contraction of the



Slave territory, we see a mighty extension of it. Instead of the system languishing, it has received a dreadful accession of strength. Instead of the Free States becoming so pervaded with the true spirit of freedom that they could not endure the existence of a slave on their soil, they have become abettors of the wrong-doers, and lend themselves—must I say, with something like eagerness—to drive back the panting fugitive to bonds and punishment. Instead of the shade of Bunker-hill proving an inviolable sanctuary, the foot of the slave-hunter has polluted it; and in the face of day, with the forms of law, and under the martial array of Boston, the poor refugee has been dragged from the very altar of liberty.

AND you, Gentlemen Editors, what have you done in the face of such events? Answer not, ‘Am I my brother’s keeper?’ The MAKER whom you worship, the REDEEMER in whom you trust, reply, ‘You are!’ If the Press exists for any purpose above mere pelf, it is surely for the diffusion of truth and the defence of right and liberty. On such an event as the capture of BURNS, one would have expected every Boston newspaper to be filled with protestations against the outrage. One would have looked for the most conclusive arguments, or rather for instinctive bursts of indignation, against the system which thus violated the rights and prostrated the dignity of man. From so many organs of public and of republican sentiment, one would have anticipated a perfect crash of denunciation, making it far more impossible for a Virginian slave-holder to drag his captive through Boston streets, than for BRIGHAM YOUNG, the Mormon Governor of Utah, to parade his hundred wives through those streets, as he is said to have done in his own capital. In place of such virtuous indignation, what do we read? Alas! many of you, I fear a majority, a great majority, have sympathised more with the slave-catcher than with the slave,—have denounced more bitterly the abolitionists than the public crime which stung the

abolitionists almost to frenzy. I am no lover of violence : but of all places in the world surely *Boston* was the last, where violence *for freedom's sake* should be denounced as an unpardonable crime. It is not on the blue waters of your lovely bay, once strewn with the merchandise of China, flung overboard by a population which revolted against a mere *tax*, that a vessel should ever afterwards have floated bearing the unutterably offensive burden of *a slave-hunter and his slave* : still less should a Boston population have borne to look upon it. Such things might have been done formerly at Algiers—the victim being a white man, instead of a black : in Massachusetts they should have been impossible. It is true the *thing* that was dragged along your streets was a *chattel*, which by Virginian law you may buy, you may sell, you may work, you may flog, you may treat as a beast of burden, destitute equally of soul and affections as of every human right : but in the eye of his MAKER he was A MAN—a CHRISTIAN man—we are told, a CHRISTIAN MINISTER—endowed with the priceless treasure of an immortal spirit—made in the image of his MAKER, and ransomed by that blood which flowed for black men and white alike. Oh ! Gentlemen, you think us in England less the friends of freedom than yourselves : but I assure you, in all sincerity, that such an outrage on freedom as many have looked upon coolly in Boston makes our ears tingle and our souls shudder.

WE are not insensible to the political importance of maintaining the Union. But we believe no political advantage can justify a moral wrong. No man in England, that I know of, has the slightest wish to see the Union severed,—unless, indeed, the severance should appear to be indispensable to check the extension of Slavery. The prevailing belief here is, that Slavery itself is the only thing which endangers the Union. We see, indeed, the danger on both sides. It is possible that to contend for the abolition of Slavery

might provoke the Slave States to declare themselves independent. But it is also possible that to resist that abolition may extend and perpetuate the system of Slavery, which is even now rending your churches and your population into embittered factions; whilst, in addition, it is polluting the moral sense of the people throughout the Free States, exercising an influence antagonistic to that of Christianity, and thus spreading poison through the veins of your commonwealth. Which of these two dangers is the greater? Which would it be more honourable to confront? It is obvious that the present state of things cannot be perpetual. The fever cannot always continue to rage. Yet it is morally impossible that the Christianity of the North should cease to be hostile to the Slavery of the South. A great alternative is before you:—*Christianity must conquer Slavery, or Slavery will conquer Christianity.* Or it may be presented in another form—*Freedom must extend its dominion to the South, or Slavery will extend its dominion to the North.* There is, indeed, one escape from this dilemma, and that is, by a separation of the Union, in which case Freedom would hold its reign in the North, and Slavery in the South. Thus three things seem possible in the future—1. that all the States should be Free States; 2. that they should all be Slave States; 3. that the Free States and Slave States should separate. Of these three eventualities, the first would be glorious,—the second would be dreadful,—and the third would be a lesser evil embraced to avert a greater evil. Whether, then, you seek the glorious good or the lesser evil, duty points to steady and constant (though of course peaceful) efforts on the part of the North to bring about the abolition of the fell crime of Slavery; and, at the least, to repudiate on the part of the Free States and their populations any act or law tending to countenance Slavery.

I APPREHEND the wise and right-thinking of your people cannot be indifferent to the opinion formed concerning them by other civilized nations. Though

proud, you are sensitive. You would rather defy the world in arms than defy them in opinion. No effort could make you long impervious to the reproofs—given “more in sorrow than in anger”—of a Christian and friendly nation, linked to you by bonds of mutual interest, as well as by religion, by language, and by a generous competition in deeds of philanthropy. If you could bear their reproaches, you could not bear the mournful entreaties of their Christian love. Were they even silent, you could not endure their sadness. America must be honoured, as well as mighty. Its hands must be clean, as well as strong. You pant for an honourable fame. You look with a natural, manly solicitude to what History is writing on the rock concerning you.

#### WHAT IS IT?

SPELL the letters, and see if they form flattering words. If you find a dark blot there, soiling an otherwise fair inscription, O! blot out the blot, ere it be too late.

So far as I know, there is not a single newspaper in Britain that does not consider Slavery as the cancer and curse of the United States. There is not a pulpit which does not condemn it. There is not a man in either House of Parliament who would apologize for it. The entire nation, I verily believe, deplores American Slavery as one of the darkest features of the age. And with the utmost sincerity I assure you, that those whose political sympathies draw them most strongly towards you, are precisely those who most strongly reprobate this revolting anomaly in your political and social state.

THE Nebraska and Kansas Territories Bill is regarded as one of the greatest calamities that could have befallen mankind, because allowing of an indefinite extension of the system of Slavery. It has attracted less attention than it otherwise would, from the fact of the mighty territories represented by these Indian names being almost unknown. But where the

merits of the measure are understood, it is looked upon with dismay,—1st, as being a violation of a solemn pledge given in 1821 by Congress, to limit the extension of Slavery; and 2nd, as devoting to that dreadful system a region four times as large as the United Kingdom, and one-fourth larger than the whole of the United States which obtained the recognition of their independence in 1783. If the heart of a great Continent had been planted with the deadly Upas tree, it would have been a natural evil somewhat like the moral evil of planting it with the institution of Slavery. You would be appalled, if you heard that all freedom was annihilated in England, Holland, Belgium, Switzerland, and Sardinia. But, perhaps, one or two centuries hence, such an event might appear a smaller disaster than the opening of all the central regions of North America to that domestic despotism which is far worse than any political tyranny.

In closing this address, let me entreat that it may be ascribed to no unfriendly object,—to no object but the simple and legitimate one which I profess. If unusual, I hope it may not be deemed unwarrantable. But should it be misinterpreted, my consolation will be, that it is a disinterested and conscientious attempt to influence an important class of public men, of the same profession with myself, in favour of the great interests of humanity. On such a question all mankind have a right to think and speak.

I am, Gentlemen,

Your most obedient Servant,

EDWARD BAINES.

Leeds Mercury Office, July 1st, 1854.

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